

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9543 of 2018**

Jaykishan Rajput @ Potlu S/o Rajeshwar Rajput Aged About 22 Years
(Wrongly Mentioned As Rameswar Rajput) R/o Village Umariya Tahsil
And Police Station Bilha District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer ,police Station
Masturi ,district Bilaspur Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Kripesh Kela, Advocate
For the State	:	Shri A.K. Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****04/01/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 347/2018 (wrongly mentioned as 346/2018 in the order sheet) registered at Police Station Masturi, District Bilaspur (C.G.) for the offence punishable under Section 457, 380 of Indian Penal Code.
3. Case of the prosecution, in brief is that in the intervening night of 18-19/08/2018 at village Tikari from the shop of the complainant Subhash Tandon cash Rs. 32,000/- and one cheque book has been stolen from some unknown person.
4. Learned counsel for the applicant submits that he has innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. State counsel submits that four other criminal cases under IPC have been registered against the applicant.
6. In the case in hand neither there is any memorandum nor seizure regarding stolen property of the applicant.
7. Though four other criminal cases have been registered against the applicant but looking to the facts and circumstances of the case, looking to the evidence available on record, this Court is inclined to give the benefit under Section 439 of CrPC to the applicant.
8. Consequently, the bail application filed under Section 439 of the Cr.P.C.,

is allowed.

9. It is directed that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde