

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2968 of 2020**

- Tishwar @ Khillu S/o Shri Asharam Dhruv, Aged About 26 Years R/o Village Hardi, Thana Gariyaband, District Gariyaband Chhattisgarh. ---- **Applicant**

Versus

- The State of Chhattisgarh Through The Station House Officer Police Station Sihawa, District Dhamtari Chhattisgarh. ---- **Respondent**

For Applicant	:	Shri Sunil Sahu, Advocate.
For State	:	Shri Ravish Verma, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board**11/08/2020**

1. Heard on application for grant of bail.
2. The applicant has been arrested on 17.03.2020, on the allegation of having committed offence under Sections 457, 380 of Indian Penal Code. The applicant moved this application for grant of bail in connection with Crime No.114/2020 registered at Police Station- Sihawa, District- Dhamtari (C.G.).
3. Prosecution case is that from the house of the complainant, in the night, when he was sleeping, two mobile set, one power bank and cash of Rs. 9,000/- was stolen by unknown person. During investigation, the applicant was arrested and on the basis of memorandum, mobile set was recovered.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated on the basis of suspicion because in some other case, he was involved and false memorandum was prepared. It is further submitted that investigation is complete, charge sheet has been filed and applicant is not likely to misuse liberty or tamper with prosecution witnesses. Therefore, at this stage, he may be granted bail.
5. On the other hand, learned State Counsel opposes the prayer for grant of bail and submits that prima facie case is made out against the applicant. The

stolen mobile set was recovered from possession of the applicant on the basis of memorandum. He further submits that the applicant is habitual offender and in the past, similar nature of theft cases have been registered against him and if he is set at liberty, he may again misuse his liberty.

6. Taking into consideration the nature of allegation and gravity that one mobile set is recovered from the possession of the applicant, investigation is complete, charge sheet has been filed and further considering that he is in jail since 17.03.2020, I am inclined to grant bail.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the Trial Court on the conditions that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not in any manner, tamper with the prosecution witnesses.
8. In case, the applicant is again found misusing his liberty in the future, the bail granted to him shall be cancelled.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge