

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5804 of 2020**

- Madan Lal Shriwas S/o Late Shri Tugan Lal Shriwas Aged About 59 Years R/o Ratakhar , Ward No. 3, Tahsil And District Korba Chhattisgarh., District : Korba, Chhattisgarh **- Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Out Post C.S.E.B. , Police Station Kotwali, Korba , District Korba CG **-- Respondent**

For Applicant : Mr. Dharmesh Shrivastava, Advocate.
For State : Mr. B.P. Banjare, Dy. Govt. Advocate.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****3-12-2020**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 13-8-2020 in connection with Istgasa No. 9 of 2020 registered in Police Station- Kotwali, Korba, Out post CSEB, District Korba (CG) for the offence punishable under Section 379 of IPC read with Section 41 (1-d) of Cr.P.C.
2. The allegation against the present applicant is that on checking the store room of the applicant by Police, the applicant was found in possession of vehicles and on demand of papers of the vehicles, it was found that the vehicles were registered in the name of others and no documents regarding purchase of the vehicles were shown by the present applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 13-8-2020 and till date charge-sheet has not been filed. He would further submit that no other criminal antecedents are reported against the applicant, the offence is triable by the Judicial Magistrate First Class, the matter is

being investigated by Police and conclusion of the trial is likely to take some time, therefore, the applicant may be granted bail.

4. On the other hand, learned counsel for the State though opposes the bail application, after verification of the record, submits that except the present case, no other criminal antecedents are reported against the present applicant.
5. I have heard learned counsel for the parties and perused the record.
6. Considering all the facts and circumstances of the case, further considering the fact that the investigation is incomplete, further considering the submission of the State counsel that except the present case, no other criminal antecedents are reported against the applicant and further considering the detention period of the applicant and also the fact that the offence is triable by the Judicial Magistrate First Class, conclusion of the trial may take some time, without expressing any opinion on merits of the case, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.50,000/- with two equivalent sureties for the like amount to the satisfaction of the concerned trial Court, he shall be released on bail. He is directed to appear before the trial Court on each and every date given to him by the said Court, till disposal of the trial.
7. It is made clear that the applicant shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Gautam Chourdiya)
Judge

Raju