

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7639 of 2019**

- Sonu Vishwakarma S/o Omprakash Vishwakarma Aged About 22 Years R/o Village Karpaond, Totiyapara, District Bastar Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kotwali, District Bastar Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Anshul Tiwari Advocate.
For Respondent/State	:	Ms. Reena Singh, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****20.01.2020**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 385/2019 registered at Police Station : City Kotwali, Bastar (C.G.) for the offence punishable under Section 379 read with Section 34 of IPC.
2. As per the prosecution case, on 23.07.2019 complainant Pushpendra Singh Tomar lodged the FIR before concern police station regarding the theft of 24 pieces of batteries installed on the mobile tower. Based on this, after completion of investigation, offence has been registered against the applicant on the basis of memorandum statement of the co-accused and he has been arrested.
3. Learned counsel for the applicant submits that the applicant

has been falsely implicated in the crime in question. Present applicant has been arrested only on the memorandum statement given by the main accused. He further submits that other co-accused person have already been granted bail by this Court on 13.01.2020 in MCRC No. 7415/2019. He next added that as applicant is in jail since 07.08.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.

4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case, nature and gravity of the offence, the detention period of the applicant particularly the fact that other co-accused person have already been granted bail by this Court, as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 50,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

**Sd/-
(Rajani Dubey)
Judge**

Vijay Sahu