

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8077 of 2019**

- Yashwant Verma, son of Shri Ghanshyam Verma, aged about 20 years, resident of Ward No.07, Shahid Nagar, Birgaon, Raipur, District Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station Urla Raipur, Civil and Revenue District Raipur (C.G.)

---- Respondent

For Applicant. : Shri B.M. Roy, Advocate.
 For Respondent. : Shri B.L. Sahu, P.L. for the State

Hon'ble Smt Justice Rajani Dubey**Order on Board****28/01/2020**

1. The applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 08.11.2019 in connection with Crime No.526/2019 registered at Police Station : Urla, Civil and Revenue District Raipur (C.G.) for the offence punishable under Sections 457 and 380 IPC.
2. The prosecution story, in brief, is that complainant Santosh Singh Kshatriya made a written report in police Station Urla alleging therein that on 05.11.2019, some unknown person, after breaking open the lock of his house, committed theft of golden mangalsutra, 2 ear rings, anklets, toe ring, golden pendent, golden fulli, silver biscuit and idol of Laxmi (total

amounting to Rs.70,000/-) from his house. During investigation and on a tip-off received, the applicant was interrogated, his memorandum statement was recorded, and at his instance, stolen article and some cash was seized from his possession. Based on this, offence has been registered. The applicant has been taken into custody on 08.11.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that only on the memorandum statement, the applicant has been arrested and basic ingredients of Section 457 and 380 IPC are completely missing in this case. He also submits that the applicant is in custody since 08.11.2019, the offence is triable by Magistrate and there is no likelihood of his case being decided in near future. Therefore, the applicant may be granted bail.
4. On the other hand, State counsel opposes the bail application. Learned counsel submits that at his instance, stolen article i.e. one mangalsutra and cash of Rs.1000/- has been seized from him.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, nature of offence, quality of evidence and further considering the fact that the applicant is in custody since 08.11.2019 and the final disposal of his case may take some time, without further commenting on merits, this Court is of the opinion that it is a fit case to release the applicant on bail.

7. Accordingly, the application is allowed and the accused/applicant is directed to be released on bail on his furnishing a personal bond of Rs.50,000/- with one solvent surety for the like sum to the satisfaction of the concerned trial Court for his appearance before it as and when directed.

Certified copy as per rule.

Sd/-

(Rajani Dubey)
Judge

Pekde