

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2440 of 2021**

- Prakash Kumar Sarthi, son of Siyaram Sarthi (not mentioned in the impugned order), aged about 19 years, resident of Jogi Dipa, P.S. City Kotwali, Raigarh, Tahsil and District Raigarh (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station City Kotwali, Raigarh, District Raigarh (C.G.)

---- Respondent

For Applicant	:	Mr. Vimal Kumar Tondey, Advocate
For Respondent/State	:	Ms. Akanksha Jain, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****02/06/2021**

Proceeding through video conferencing.

1. The applicant has preferred this **First** bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.302/2021, registered at Police Station - City Kotwali, Raigarh (C.G.) for the offence punishable under Sections 457 and 380 IPC.
2. The allegation against the present applicant is that he along with co-accused persons committed theft of Activa Scooter and mobile phone in the house of complainant. During investigation, memorandum statement of accused person has been recorded and at his instance alleged articles have been seized from his possession. Based on this, offence has been registered against the present applicant. The present applicant has been taken into custody on 10.03.2021.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He also

submits that the applicant has been implicated in the crime in question only on the basis of memorandum statement. He next submits that the applicant is in custody since 10.03.2021, there is no likelihood of his case being decided in near future and, therefore, he may be released on regular bail.

4. On the other hand, learned counsel for the State opposed the bail application.
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 and further considering the fact that the applicant is in custody since 10.03.2021, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.
9. I.A. No.01/2021 and 02/2021 stands disposed of.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Vacation Judge