

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5744 of 2021**

Rahul Soni @ Keshbo Soni, S/o Lalit Soni, Aged About 21 Years, R/o Krishna Nagar, Dagania, Raipur, District Raipur Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh Through S.H.O., Police Station D.D. Nagar Raipur, District Raipur, Chhattisgarh

---- Non-applicant

 For Applicant : Shri Pushkar Sinha, Advocate
 For Non-applicant/State : Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****04.10.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 14.07.2021 in connection with Crime No.244 of 2021 registered at Police Station D.D. Nagar, Raipur (C.G.) for commission of offence punishable under Sections 457, 380 of Indian Penal Code.
2. Case of the prosecution, in brief, is that in the intervening night of 10.07.2021-11.07.2021, applicant along with two co-accused persons after break open the lock, entered into the house and theft ornaments and cash amount of Rs.1,50,000/- from the house of complainant. Report was lodged on the next day to concerned Police Station, based on the suspicion, applicant was arrested and from his possession, gold chain, locket, ring and one pair of *Jhumka* were recovered along with cash of Rs.5,700/-.

3. Shri Pushkar Sinha, learned counsel for the applicant would submit that applicant has been falsely implicated in the case. He is only 21 years of age and he is not having any criminal antecedent against him. Applicant is in jail since 14.07.2021, hence, he may be enlarged on regular bail.
4. Ms. Hamida Siddiqui, learned State Counsel opposing the submissions made by learned counsel for the applicant, would submit that from the possession of applicant, Police seized theft articles, hence, he is not entitled for benefit under Section 439 of Cr.P.C.
5. However, upon putting specific query to learned counsel for the State with regard to any criminal antecedent against the applicant, learned counsel after going through the case diary submits that there is no mention of any criminal antecedent against the applicant.
6. I have heard learned counsel for the parties.
7. Taking into consideration the facts and circumstances of the case, nature of allegations, tender age of applicant, period of detention and he is not having any criminal antecedent, without commenting on the merits of the case, I am inclined to release the applicant on regular bail.
8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand

only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;

- a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
- b) He shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge