

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6601 of 2021**

Shiv Kumar S/o Shri Ghanshyam Rathore Aged About 22 Years R/o
Village Lalpur, P. S. Gaurela Tehsil Pendra Road, District Gaurela-
Pendra-Marwahi CG

---- Applicant

Versus

State of Chhattisgarh Through Police Station City Gaurela, District
Gaurela-Pendra-Marwahi, CG

---- Non-applicant

For applicant	Mr. Pragalbha Sharma, Adv.
For non-applicant/State	Mr. B.P. Banjare, Dy. Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****22-10-2021**

1. As per applicant, this is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 174/2021 registered in police station Gaurela, Distt. Gaurela-Pendra-Marwahi, (CG) for offence punishable under 457, 380, 34 of the Indian Penal Code.
3. As per prosecution story, on 14-5-2021, complainant along with his family went to Bilaspur for treatment of his wife and when he returned on 19-5-2021 at 10.30 hrs, he found that lock of door of his house was broken, one Hero Honda Shine motorcycle bearing registration No. CG 10 AA 4775, Honda Aviator bearing registration No. CG 10 AG 5298 and cash amount of Rs. 30,000/- and 70 kg rice were stolen, he informed the police about the incident, on the basis of which offence was registered against unknown person.
4. Counsel for the applicant submits that this is first crime registered against the applicant, he is innocent and has been falsely implicated in this case. He is in jail since 6-6-2021. He is 22 years young boy. Charge sheet has been filed. There is no possibility of tempering of witnesses by the applicant, therefore, he may be released on bail.
5. On the other hand, the State Counsel opposes the bail application submitting that case of theft of motorcycles and scooter are increasing

day by day, therefore, bail application is liable to be rejected.

6. I have heard counsel for both the parties and perused the material available.
7. Considered the submission and perused the case diary. Considering the facts and circumstances of the case, also taking into consideration that charge sheet has been filed and it is said that this is first crime registered against the applicant, I feel inclined to allow the bail application. Therefore, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.
8. CC as per rules.

Sd/-
(N.K. Chandravanshi)
Judge