

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7570 of 2021**

Daneshwar Prasad Tamrakar, S/o Late Puran Prasad Tamrakar, Aged About 44 Years, R/o Village- Bodegaon, Post Nankathi, Thana- Nandini Nagar, Durg, Tehsil & District- Durg (C.G.)

**--- Applicant**

**Versus**

State of Chhattisgarh, Through- SHO, Police Station- Nandini Nagar, District- Durg (C.G.)

**--- Respondent**

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For Applicant : Mr. Shalvik Tiwari, Advocate.

For State/ Respondent : Ms. Reena Singh, Panel Lawyer.

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**Hon'ble Shri Justice Narendra Kumar Vyas**

**Order on Board**

**01/11/2021**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 289/2021, registered at Police Station- Nandini Nagar, District- Durg (C.G.) for the offence punishable under Sections 454, 380 read with Section 34 of IPC.
2. Case of the prosecution in brief is that the present applicant along with other co-accused persons has committed theft of water machine, iron mesh, trolley total amounting Rs. 50,000/- from godown of fourth brick kiln of BBI company, thereby they committed the aforesaid offence.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and he is in jail since 06.09.2021. The applicant has no previous criminal antecedents and he is only driver of the vehicle. The applicant has no connection with the other co-accused, who were absconding and subsequently, they have been arrested. Hence, it is prayed that this applicant may

be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application submitting that there is clear allegation against this applicant regarding commission of offence. Hence, the application for grant of bail may be rejected.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the charge-sheet has already been filed on 25.10.2021, the applicant is in jail since 06.09.2021, conclusion of trial may take some time, and without further commenting on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs. 25,000/- with one surety for the like amount to the satisfaction of the concerned trial court. He shall appear before the trial court on each and every date given by the said trial court, till disposal of the trial.

Certified copy today.

**Sd/-**  
**(Narendra Kumar Vyas)**  
**Judge**