

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7945 of 2021**

Akash Choube S/o Balram Choube, aged about 21 years R/o Parpodi, Ward No. 09, P.S. Parpodi, District Bemetara (C.G.).

---- Applicant

Versus

State of Chhattisgarh through: Station House Officer, Police Station Amanaka, Raipur, District Raipur (C.G.).

---- Respondent

For Applicant : Mr. C.R. Sahu, Advocate
For Respondent : Mr. Sushil Sahu, PL

Hon'ble Shri Justice Deepak Kumar Tiwari
Order on Board

27/10/2021

Heard.

1. The applicant has preferred this first Bail Application under Section 439 of Code of Criminal Procedure, 1973 in connection with Crime No. 105/2021 registered at Police Station- Amanaka, Raipur (C.G.) for the offence punishable under Section 379 of the Indian Penal Code.
2. Case of the prosecution in brief is that on 19/05/2021 Complainant Subhash Kumar Sahu (henceforth 'the Complainant') has lodged an FIR regarding missing of his Honda Shine bearing registration No. CG07 AQ 6323 which was standing at AIMS Hospital, Raipur. After investigation, the police has arrested the applicant on 25/05/2021.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The applicant is aged about 21 years, he is in custody since 25/05/2021 and trial is likely to take some time, therefore, he prays to release the applicant on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard counsel for the parties.
6. Considering the facts and circumstances of the case, particularly the fact that the offence is triable by the JMFC, the applicant is in jail since 25/05/2021 and conclusion of trial is likely to take some time, I am of the view that it is fit case to enlarge 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 furnishing a personal bond with two sureties each of Rs. 50,000/- to the satisfaction of the trial Court. Thereafter, the applicant shall appear before the trial Court on the dates given by the trial Court.

Sd/-
(Deepak Kumar Tiwari)
Judge