

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8191 of 2021

- Thansingh Patel S/o Lalaram Patel Aged About 30 Years R/o Prakashpur, Police Station And Tehsil Khairagarh, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Khairagarh, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant : Mr. Hemant Kesharwani, Advocate

For Respondent/State : Ms. Ishwari Ghritlahre, Panel Lawyer

Hon'ble Smt. Justice Rajni Dubey
Order On Board

01.11.2021

This first application under Section 439 of the Code of Criminal Procedure has been filed by the accused/applicant, who is languishing in jail since 25.09.2021 in connection with Crime No. 352/2021 registered at Police Station Khairagarh, District Rajnandgaon for the offence punishable under Sections 454 & 380 IPC.

2. The prosecution case in nutshell is that on 16.09.2021 some unknown person had barged into the house of the complainant by breaking open the door and committed theft of gold and silver ornaments worth Rs.45,000/-, which are said to be subsequently recovered on the memorandum of the accused/applicant.

3. Learned counsel for the applicant submits that the

applicant has been roped in a false and fabricated case and therefore, he may be set at liberty by granting bail. He submits that the applicant would abide by all terms and conditions imposed on him while granting bail.

4. Learned State counsel however puts forth his vehement opposition to the prayer for bail.

5. Having heard counsel for the parties, taken into consideration the facts and circumstances of the case and also keeping in mind the nature of allegations made, this Court is of the opinion that the accused/applicant is entitled for bail. Accordingly, the application is **allowed** and it is directed that on applicant's furnishing a personal bond in the sum of Rs.50,000/- with one solvent surety to the satisfaction of the concerned Court, he shall be released on bail. The applicant however, shall ensure his appearance before the trial Court as and when so directed, till the disposal of the case. Order accordingly.

Sd/-

(Rajni Dubey)
Judge

Ajay/Jyotishi*