

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.8277 of 2021**

- Ganga Prasad Mishra, S/o Nageshwar Mishra, aged about 21 years, Occupation-Agriculture R/o Vill. Bojha, P.S. Pratappur, Police Chowki Khadgawa, District Surajpur (CG)

---- Applicant (In Jail)**Versus**

- State of Chhattisgarh, through In-charge, Police Station Bhatgaon, District Surajpur (CG)

....Non-applicant

For Applicant	:	Mr. D.N. Prajapati, Advocate.
For Non-applicant	:	Mr. B.P. Banjare, Dy. Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****10.12.2021**

1. This is first application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant as he is in custody since 29.9.2021 in connection with Crime No.119/21 registered at Police Station Bhatgaon, District Surajpur (CG) for commission of offence punishable under Sections 380 & 457 of IPC.
2. Case of prosecution is that complainant lodged report on 8.9.2021 mentioning that in the night intervening 5th & 6th September, 2021 some unknown person entered into his shop and committed theft of Rs.10,000/- and one Infinix 5A mobile phone worth Rs.7200/-. During course of investigation, with help of Cyber Cell, IMEI number of theft mobile was traced and it was found that applicant was using the same. Consequently, applicant was arrested and his memorandum statement was recorded.
3. Mr. D.N. Prajapati, learned counsel for applicant would submit that applicant has not committed any offence as alleged against him. He has been given mobile phone by some other person. Applicant is a young boy of 20 years age, he is in jail since 21.9.2021 and there is no other criminal antecedent against him. Hence, applicant may be enlarged on regular

bail.

4. Per contra, Mr. B.P. Banjare, learned Dy. Government Advocate for the State opposes submissions of learned counsel for applicant and submits that applicant was found in possession of theft mobile and in memorandum statement he admitted his guilt. However, on putting specific query with regard to criminal antecedents of applicant, he submits that there is no mention of any criminal antecedent against applicant in case diary.
5. I have heard learned counsel for the parties.
6. Having regard to facts and circumstances of case, nature of allegations; the fact that offence is triable by Magistrate; age of applicant, period of detention i.e. since 29.9.2021; without commenting anything on merits of case, I am inclined to enlarge applicant on regular bail. Accordingly, bail application is allowed and it is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to satisfaction of trial Court concerned on the conditions that;
 - a) he shall appear before the trial Court concerned regularly on each & every date unless exempted from appearance.
 - b) he shall not, in any manner, tamper with prosecution witnesses.
 - c) If 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

roshan/-