

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 8804 of 2021**

Shivam Vishwakarma, Aged about 24 years, (wrongly mentioned as 2 years) S/o Laxminarayan Vishwakarma, R/o Ward No. 11 Charama, Distt. Uttar Baster Kanker, Chhattisgarh.

---Applicant**Versus**

The State of Chhattisgarh through District Magistrate, Distt. U.B. Kanker, Chhattisgarh.

---Respondent

For Applicant :- Mr. Shalvik Tiwari, Advocate

For State :- Mr. Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****17/12/2021**

1. This is the first bail application filed by the applicant for grant of regular bail in connection with Crime No. 1/2021 registered at Police Station Charama, Distt. U.B. Kanker for offence punishable under Section 379 of IPC.
2. The case of prosecution in brief is that applicant along with one co-accused stole one motorcycle from toll plaza and thereby, committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in crime in question and he has not committed the aforesaid crime. He would also submit that the co-accused Tarun Kumar Yadav has already been released on bail in MCRC No. 8018/2012 decided on 28/10/2021. He would further submit that the applicant is in jail since 09/07/2021 and charge-sheet has already been filed, therefore, he may be released on bail.
4. On the other hand, learned State counsel, would oppose the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, role of the present applicant and pretrial detention and further considering that the co-accused has already been released on bail, I am of the opinion that present is a fit case, in which, the applicant should be released on regular bail.
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 in the sum of Rs.25,000/- with one surety in the like sum

to the satisfaction of the concerned trial Court
for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet