

**(2019) 02 CHH CK 0082**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 530 Of 2019

Akash Sharma

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

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**Date of Decision:** Feb. 7, 2019

**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 380, 457

**Hon'ble Judges:** Sharad Kumar Gupta, J

**Bench:** Single Bench

**Advocate:** Vijay Kumar Sahu, SRJ Jaiswal

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**Judgement**

Sharad Kumar Gupta, J

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.

2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.365/2018 registered at Police Station

Khurseepar, District Durg (C.G.) for the offence punishable under Section 457, 380 of IPC.

3. Case of the prosecution, in brief is that in the intervening night of 21/12/2018 and 22/12/2018 from the shop of complainant S. Ramarao Friends

Corner at Zone-II, Sector 2, Khursipar cash of Rs. 8,000/-, smart Samsung J-2 Mobile, another small Samsung Mobile, one small mobile set of Intex

Company, one mobile set made in China, one monitor of Samsung, Head Phone, memory card, pen drive, chocolate etc. had been stolen by some

unknown person. On the memorandum of applicant one monitor, some mobile hand sets and four pen drive etc. seized from him.

4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.

5. On the other hand, counsel for the State opposes the bail application. He further submits that three other similar type of criminal cases have been registered against the applicant.

6. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence,

it is directed that if the applicant furnishes two solvent sureties for a sum of Rs. 25,000/- each along with one personal bond of Rs. 50,000/- to the

satisfaction of the trial Court concerned with the condition that he will not involve himself in such type of crime in future, he shall be released on bail.

7. Certified copy as per rules.