

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 3937 of 2016**

Shailendra Gadewal, S/o. Aged about 27 years, S/o. Shri Geeta Prasad Gadewal, R/o. Jarhabhata, Rajiv Gandhi Chowk, P.S. Civil Line, Tehsil and District – Bilaspur (C.G.)

---- Applicant

**Versus**

State of Chhattisgarh, Through : District Magistrate, District - Bilaspur, Chhattisgarh.

---- Respondent

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For Applicant : Dr. Shailesh Ahuja, Advocate

For Respondent : Mr. Satish Gupta, Govt. Advocate.  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**29.07.2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.249/2016, registered at Police Station- Civil Line, District – Bilaspur (C.G.) for the offence punishable under Section 420, 465, 468, 471, 120-B of Indian Penal Code.
2. Case of the prosecution, in brief, is that a raid was conducted in the shop of the applicant, which was being run in the name of King Mobile and 31 activated sims were seized and on further verification it was found that all the sims were activated in the fake name. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant was running the shop and is also a distributor and since the mobiles sets are being deposited for repairing, the sims are deposited along with such mobiles sets, therefore, it can not be stated universally that all the sims were activated without verification. It is further

submitted that charge-sheet in this case has been filed and the applicant is in jail since 17.04.2016, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case, the nature of allegation and the fact that offences are triable by Magistrate, charge-sheet in this case has been filed and further considering the detention of the applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of 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.

**Sd/-**  
**(Goutam Bhaduri)**  
Judge