

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCNo.3374 of 2015**

Kaushal Sahu S/o Shri Krishna Kumar Chaurasiya, aged about 28 years, R/o In front of Municipal Corporation, Bhatapara, Shakti Ward, Baloda Bazar, District Baloda Bazar-Bhatapara (CG)

- Applicant (In Jail)**Versus**

State Of Chhattisgarh through Police Station Torva, District Bilaspur, Chhattisgarh

--Non-applicant

For Applicant	:	Shri A. K. Yadav, Advocate
For Respondent/State	:	Ms. Shubha Shrivastava, Panel Lawyer

Order On Board**14/07/2015**

The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.96/2015 registered at Police Station Torva, District Bilaspur for the offence punishable under Section 379, 511 of IPC and under Section 3 & 5 of Prevention of damage to public property Act. The applicant has been arrested on 08-04-2015.

2. Case of the prosecution is that the applicant attempted to break the ATM machine in order to commit theft of cash kept therein.

3. Learned counsel for the applicant submits that the allegation against the applicant is not made out because the applicant has neither committed any such offence nor broken the ATM machine but only on apprehension, he has been arrested. It is lastly submitted that the investigation is complete, charge sheet has been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses.

4. On the other hand, learned State counsel opposed the bail application by submitting that looking to the nature of overt act alleged to have committed by the applicant, his release may result in misuse of liberty.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the investigation is complete, charge sheet has been filed and further that no specific amount is alleged to have stolen, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with one local surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted.

Sd/-

Manindra Mohan Shrivastava
Judge

Tumane