

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3641 of 2015

Sandeep Damle, S/o Shri Gautam Damle, aged about 31 years, R/o Vasundhara Nagar, Old Bhilai-3, District Durg (CG), Civil & Revenue District Durg.

---- Applicant

Versus

State of Chhattisgarh, through the Station House In-charge, Police Station Keshkaal, District Kondagaon (CG)

---- Non-applicant

For Applicant:	Mr. Sandeep Shrivastava, Advocate.
For Non-applicant:	Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11/08/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.72/2015 {Criminal Case No.111/2015 pending in the Court of Judicial Magistrate First Class, Keshkaal}, registered at Police Station Keshkaal, Distt. Kondagaon, for the offence punishable under Section 379 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant and other co-accused are said to have stolen the aluminium wire amounting to Rs.5,70,000/- owned by the CSEB on 14-5-2015 and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. Similarly placed co-accused persons have already been granted bail by the trial Court on 30-6-2015 as such, there is no distinguishing feature with the bail granted by the trial Court. He further submits that the present applicant

is driver whereas other two accused who have been granted bail have hired the applicant's vehicle and the applicant was simply driving the vehicle on being hired by the other co-accused persons namely Santosh Dubey and Maloi Shah, as such, the applicant is also entitled for bail. The applicant is in jail since 27-5-2015.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, defence of the applicant, the fact that other two accused persons have already granted bail, pre-trial detention of the applicant and the fact that charge-sheet has already been filed, I am of the view that it is a fit case to grant regular bail to the applicant. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge