

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4151 of 2015**

Suresh Sidar, S/o. Shri Shayam Lal Sidar, aged about 21 years, R/o. Gram-Ghuma Bhata, Police Station-Basna, Distt.Mahasamund (CG)

---Applicant

Versus

State of Chhattisgarh, Through the Officer-In-Charge-, Police Station-Jaijaipur, Distt.Janjgir-Champa (CG)

---Non-applicant

For Applicant	:	Mr. Praveen Das, Advocate
For Non-applicant	:	Mr. Anupam Dubey, Dy.Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

20/08/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.98 of 2015, registered at Police Station-Jaijaipur, Distt.Jajgir-Champa (CG), for the offence punishable under Sections 379, 411 and 412/34 of the IPC.

2. Case of the prosecution, in brief, is that the present applicant and other co-accused Mithun, Mahendra and Sumran have stolen tractor owned by complainant Santosh Kumar Chanda on 5.7.2015 and the applicant was found in possession of trolley only on 27.5.2015 and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that there is no case of theft registered or pending against the present applicant and it is against co-accused who are said to have stolen tractor-trolley and only for the purpose of painting it has been brought into possession of

the present applicant, at the most, offence under Section 411 of the IPC would be made out against the present applicant which is punishable for three years. He also submit that the applicant is in jail since 6.7.2015, charge-sheet has already been filed and no further interrogation is required and therefore, he may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; pre-trial detention of the applicant and also considering the fact that there is no case of theft against the present applicant and only trolley is said to have been seized from the possession of the present applicant, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on 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

B/-