

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 4165 of 2015**

Kumar Sahu, Aged about 22 years, S/o Shri Ghanshyam Sahu, R/o Rameshwar Nagar, Bhanpuri, P.S.-Khamtarie, District (Revenue & Civil)-Raipur (CG)

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Aazad Chowk, Raipur, District Raipur (CG)

---Non-applicant

For Applicant	:	Mr. Yogesh Pandey, Advocate.
For-Non-applicant	:	Mr. Siddharth Rathore, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****24/08/2015**

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.244/2014 registered at Police Station-Aazad Chowk, Raipur, Distt.Raipur (C.G.), for the offence punishable under Sections 381 and 414/34 of the IPC.

2. Case of the prosecution, in brief, is that, the applicant is alleged to have stolen G.I. pipes amounting to Rs.30,000/- from the shop of complainant Deepak 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 the case. He would further submit that co-accused Datari Kumar from whose possession G.I. pipes were recovered has been granted bail by this Court vide order

dated 6.4.2015 in M.Cr.C.No.1209 of 2015. He would also submit that the applicant is in jail since 13.3.2014 and charge-sheet has already been filed, therefore, he may be released on regular bail.

4. On the other hand, learned State counsel would oppose the bail application and submit that the applicant has stolen G.I. pipes and given to co-accused Datari Kumar for sale, which is apparent from the memorandum statement of Datari Kumar.

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; the manner in which the applicant alleged to have stolen G.I. pipes from the owner's shop where he was working and delivered to Datari Kumar for sale and the fact that his case is distinguishable to the case of co-accused Datari Kumar, this Court is not inclined to release the applicant on regular bail.

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

8. Certified copy as per rules.

**Sd/-
(Sanjay K. Agrawal)
JUDGE**

B/-