

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4538 of 2015**

Mohammad Vakil, Aged about – 24 Years, S/o Abdul Gaffur, R/o Village-Chaitma, P.S. & Tah. Pali, Distt. Korba (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh Through – S.H.O. Pali, Distt. - Korba (C.G.)

---- Non-applicant

For Applicant:	Mr. Ravindra Sharma, Advocate.
For Non-applicant:	Mr. Arvind Dubey, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****09/09/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 85/2015 registered at Police Station Pali, Distt. Korba for the offence punishable under Section 379 of the Indian Penal Code and Sections 3 & 5 of the Privation of Public Property Damages Act.

(2) Case of the prosecution, in brief, is that on 17.5.2015 aluminum wire amounting to Rs. 13-14 lakhs were stolen owned by Kalptaru

Company and the applicant is said to be the owner of the vehicle, in which, stolen aluminum wire was allegedly transported and thereby committed the aforesaid offence.

(3) Counsel for the applicant would submit that applicant has been falsely implicated in the offence in question as neither he is driver of the said vehicle, in which stolen aluminum wire was transported nor it has been recovered from his possession. He further submits that the applicant is languishing in jail since 27.07.2015; charge sheet has already been filed and similarly situated co-accused persons namely Santlal, Raju Yadav & Ajay Singh have already been released on bail by this Court vide order dated 17.06.2015 passed in M.Cr.C. No.2775/2015, and, therefore, the applicant may also be released on bail on the ground of parity.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; role of the present applicant in the offence in question; considering his pre-trial detention; no recovery has been made from the applicant and he is owner of the alleged vehicle; further considering the facts that similarly placed co-accused has already been released on bail by this Court vide order dated 17.06.2015 in M.Cr.C. No.2775/2015; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-