

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 4646 OF 2015**

Abhishek Rishi S/o Late Poshan Lal Rishi aged about 25 years R/o village
Tirga Thand Anda Distt. Durg (C.G.)

---Applicant

Versus

State of Chhattisgarh, through, Thana City Kotwali Revenue/Civil Distt.
Rajnandgaon (C.G.)

---Non-applicant

For Applicant	:	Mr. Samir Singh, Advocate
For Non-applicant	:	Mr. Neeraj Jain, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****07/09/2015**

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. 780/2014, registered at Police Station City Kotwali, Distt. Rajnandgaon (C.G.), for the offence punishable under Sections 379, 411/34 of I.P.C.
2. Case of the prosecution, in brief, is that, applicant is said to found in possession motorcycle stolen by co-accused Deepak Sukhdeva and owned by Devendra Kumar Jangde on 03/10/2014.
3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that there is no allegation of theft against the present applicant as the applicant is bonafide mortgagager of motorcycle stolen by his brother-in-law, namely Deepak Sukhdeva. He would also submit

that no custodial interrogation is required and no useful purpose would be served by keeping him in jail. He would lately submit that charge sheet has been filed and applicant is in jail since 12/06/2015, therefore, he may be released on 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; role of the present applicant in offence in question; charge sheet has already been filed and applicant is in jail since 12/06/2015, 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 trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE