

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5884 of 2015

- Manoj Koushik, S/o Santu Koushik, Aged about 35 Years, R/o - Gram Ganiyari, P.S. Kota, Tahsil Takhatpur & District - Bilaspur Chhattisgarh ----- **Petitioner**

Versus

- State Of Chhattisgarh Through P.S. Kota District Bilaspur Chhattisgarh ----- **Respondent**

For the applicant	:	Ms. Savita Panjabi, Advocate
For the Respondent	:	Mr. S.R.J. Jaiswal, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.11.2015

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 279/2015 registered at P.S. Kota, District Korba (C.G) for the offence punishable under Sections 294, 394, 206-B, 323, 324, 325/34 IPC.
2. As per the prosecution case, applicant Manoj alongwith one Bhillu has committed loot of a motorcycle which belongs to Jaidev and thereafter kept it with them and when the complainant along-with others went to get back the motorcycle, they were attacked and subsequently on a report being made, the applicant was arrested and the charge sheet has been filed.
3. Learned counsel for the applicant submits that the seizure of the motorcycle was made from an open place and it is improbable that after looting the said motorcycle, the said article would be kept in an open place like in the manner wherein it has been seized. Therefore, he submits that the applicant has been falsely been implicated and prays for releasing him on regular bail.
4. Per contra, learned State Counsel opposes the bail application.

5. Having regard to the facts and evidence available in this case and taking into consideration that the seizure was made from an open place; further the charge sheet has been filed before the JMFC and the applicant is in jail since 24.08.2015, I am of the opinion that it is a fit case to enlarge the applicant on bail. Accordingly the bail application is allowed.
6. The applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court . He is directed to appear before the said Court on each and every date given by the said Court.
7. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

Rao