

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6261 of 2015

Tikam Das @ Soni Manikpuri, S/o. Shri Kumar Manikpuri, Aged About 19 Years, R/o. Behind Sahu Complex, Prem Nagar, Mowa Raipur, P.S. - Pandri (Mowa), District - Raipur (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Mowa (Pandri), Distt. Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. C.R.Sahu, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.177/2015 registered at Police Station- Mowa (Pandri), District Raipur (C.G.) for the offence punishable under Section 379/34 of Indian Penal Code.
2. As per the prosecution case, in brief, on 21.07.2015 in Police Station Mowa (Pandri), the complainant Mayank Gupta lodged a report that his Motorcycle bearing No.CG-04-DW 3933 was stolen in front of Dena Bank. Subsequently, on being investigated, the Motorcycle was seized from the possession of the applicant and thereby the case has been registered.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 09.09.2015. He further submits that the charge sheet in this case

has been filed and the offence is triable by the JMFC, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that the charge sheet has been filed and the seizure has already been made; taking into account the gravity of offence and the role played by this applicant; considering the pre-trial detention of the applicant and the fact that the offence is triable by the JMFC, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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/-
(Goutam Bhaduri)
Judge