

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6606 of 2015

Vijendra Singh S/o- Chandra Kishore Rajpur, Aged about 20 years, R/o. Village & Post Arjuni, Poplice Station- and Tahsil Dongargaon, District Rajandgaon (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Dongargaon District Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:-	Shri Abhishek Sharma, Advocate
For Respondent/ State	:-	Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

27/11/2015

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. 195/2015 registered at Police Station- Dongargaon, District – Rajnandgaon (C.G.) for the offence punishable under Section 457,380,34 of IPC.
2. As per prosecution story on 09.07.2015, a complaint was made by Ramkumar Sahu that in the intervening night of 07-08.07.2015 some unknown persons have theft of agriculture medicine from the medical shop and thereafter, on investigation being made, the present applicant was arrested and on his memorandum the medicine was seized.
3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that the other co-accused persons namely Bhupendra Kumar has already been granted bail this

Court in M.Cr.C. No. 6258 of 2015 on 23.11.2015 and the present applicant may also be entitled for bail on the ground of parity.

4. Per contra, the learned State counsel opposes the prayer for grant of bail and submits that 11 cartoons of medicine and 1 Maruti Car was also seized. On perusal of the case diary, it appears that the State counsel has made submission in respect of crime No. 230/2015 and on being repeatedly asked, he maintained stand that in the instant case the seizure was being made. The case diary in crime No. 195/2015 is placed before the Court for perusal. Despite being repeatedly asked the State counsel maintained his stand that the seizure was made in this case but case diary in crime No. 230/2015 is placed.

5. Having regard to the fact that the applicant is in jail since 20.08.2015 and also the fact that the similarly placed co-accused persons have already been enlarged on bail by this Court in M.Cr.C. No.6258/2015 on 23.11.2015 and considering the period of detention of the applicant, I am inclined to release the applicant on bail.

6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.

7. 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.

8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge