

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6697 of 2015

1. Anil Gouriya, S/o. Dusri Gouriya, aged about 26 years, R/o. Transport Nagar, P.S.- Kawardha, District – Kabirdham (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Kawardha, District – Kabirdham (Chhattisgarh)

---- Respondent

For Applicant	:	Mr. Ajay Ayachi, Advocate
For Respondent/State	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/12/2015

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.250/2015, registered at Police Station – Kawardha, District – Kabirdham (C.G.) for the offence punishable under Section 379, 370 of I.P.C.
2. Case of the prosecution, in brief, is that a report was made on 11.09.2015 that the complainant, Dilluram alongwith his friend went to the market at that time the motor cycle bearing No.C.G.-09-D-4308, which was parked in front of Usha Auto Parts, Bilaspur were stolen. Subsequently, the motor cycle was recovered from the possession of the applicant.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and no offence has been

committed. He would further submit that charge sheet in this case has been filed. He would further submit that the applicant is in jail since 12.09.2015, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact the charge sheet in this case has been filed and taking in to the gravity of the offence and the nature of allegation levelled against the applicant and further taking into facts and circumstances of the case and the fact that the applicant is in jail since 12.09.2015, this Court is of the opinion that present is a 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 his furnishing a personal bond in the 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