

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7010 of 2015

Vinod Kumar Khandiya, aged about 27 years, son of Shri Heeralal Khadiya, resident of village Dongaripali, Police station Bhimkhoj, Tahsil and Civil & Revenue District Mahasamund (C.G). ... **Applicant**

Vs.

State of Chhattisgarh, through, Police Station Bhimkhoj, Tahsil Civil and Revenue District Mahasamund (C.G). **Respondent**

For the applicant	:	Mr. Jameel Akhtar Lohani, Advocate.
For the Respondent	:	Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.12.2015

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 167 of 2015 registered at Police station Bhimkhoj, Distt. Mahasamund (C.G) for the offences punishable under sections 379, 411/34 of IPC.
2. As per the prosecution case, the other co-accused Jhuku @ Virendra Khandiya committed theft of Excide battery and thereafter sold it to the present applicant and at the instance of Jhuku, the batteries have been recovered from the applicant and Tulsiram.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and since the recovery has already been made no further investigation is necessary. He further submits that the applicant is in jail since 12.10.2015 and the other co-accused namely Jhuku @ Virendra and Tulsiram Gond have been enlarged on bail by this Court in M.Cr.C.No.6836 of 2015 and M.Cr.C. 6846 of 2015 therefore, therefore, this applicant may also be enlarged on bail.
4. Per contra, learned State Counsel opposes the prayer for grant of bail. However, he do not dispute the fact that similarly placed co-

accused have been enlarged on bail by this Court.

5. Having regard to the fact that the applicant is the purchaser who was found in possession of the battery and the nature of allegations levelled against him and further taking into the fact that since the recovery has already been made and charge sheet in this case has been filed, no further investigation is required and the offence is triable by the JMFC and further looking to the pre-trial detention of the applicant, I am inclined to release the applicant on regular bail.
6. Accordingly, this bail petition is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He shall appear before the trial Court as and when directed by the said Court.
7. Cc as per rules.

Sd/-
GOUTAM BHADURI
JUDGE