

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6846 of 2015

1. Tulsiram Gond, aged about 27 years, S/o. Shri Budhram Gond, R/o. Village-Dongaripali, Police Station – Bhimkhoj, Tahsil and Civil and Revenue District – Mahasamund (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station - Bhimkhoj, Civil and Revenue District – Mahasamund (C.G.)

---- Respondent

For Applicant	:	Mr. J.A. Lohani, Advocate
For Respondent/State	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/12/2015

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.167/2015, registered at Police Station – Bhimkhoj, District – Mahasamund (C.G.) for the offence punishable under Section 379, 411/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the accused Jhuku along-with other co-accused person committed theft of Excise Battery and thereafter, sold it to Vinod and the present applicant, Tulsiram, and thereafter at the instance of this accused, Jhuku, one battery was recovered from the applicant, Tulsiram and another from Vinod.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the

applicant is the bonafide purchaser. He would further submit that the applicant is in jail since 12.10.2015 and the charge sheet in this case has been filed, 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 facts and circumstances of the case that the applicant is the purchaser, who was found in possession of the battery and the nature of the allegation levelled against the applicant, and the way the offence has been committed. Further taking into the fact that charge sheet in this case has been filed and the offence is triable by JMFC, 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