

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6836 of 2015

1. Jhuku @ Virendra Khadiya, aged about 27 years, S/o. Shri Sukhram Khadiya, R/o. Village – Hadaband, 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 applicant along-with other co-accused person committed theft of Excise Battery and thereafter, the applicant sold it to Vinod and Tulsiram and thereafter at the instance of this applicant, one battery was recovered from 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 no

recovery has been made from the present applicant. 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 fact and the degree 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 charge sheet in this case has been filed, 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