

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7128 of 2015

Shyam Verma, S/o. F.C. Verma, aged about 39 years, resident of 7/6 Ajanta Complex, Gate No. 1, P.S. Govindpura, Police Station Tehsil, Civil & Revenue District Bhopal (M.P.)

---- Applicant

Versus

State of Chhattisgarh Through District Magistrate Durg, District Durg (Chhattisgarh).

---- Respondent

For Applicant	:-	Mr. Jaydeep Singh Yadav, Advocate
For Respondent/ State	:-	Mr. S.R. J. Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/12/2015

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. 452/2015 registered at Police Station- Jamul, District Durg (C.G.) for the offence punishable under Sections 379,411 of IPC.
2. As per the prosecution case, in brief, on 25.09.2015 a theft was committed in the shop of M/s. Atul Cryogenic Gases Industrial Area, Durg wherein 50 cylinders were stolen. Subsequently, on the report of the complainant a case was registered and 49 cylinders were recovered from the possession of the present applicant
3. during the course of investigation police has arrested the applicant.
4. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits

that the applicant is a bonafide purchaser and he purchased the cylinders for valuable consideration without knowing the fact that it is the stolen property and the charge sheet has been filed in this case and he is in jail since 03.10.2015; therefore, he may be enlarged on bail.

5. Per contra State counsel opposes the prayer for grant of bail.
6. Having regard to the degree of offence and the allegation level against the applicant; the fact that the charge sheet has already been filed in this case and the fact the applicant is in jail since 03.10.2015, 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 Cr.P.C. is allowed.
8. 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.

sd/-
(Goutam Bhaduri)
Judge

Santosh