

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.No. 2354 of 2015

- Alok Kumar Singh Rai, s/o. Virendra Kumar Simngh Rai, aged about 19 years, occupation student of Class 12th, r/o. Near Sanjay Maidan, Dhangardipa, Shankar Nagar, Raigarh, P.S. Kotwali, Distt. Raigarh (CG).

---- Applicant

Versus

- State of Chhattisgarh Through : Station House Officer, Police Station-Kotwali, Raigarh, Distt. Raigarh (CG).

---- Respondent

For Applicant	:	Mr. Rajkumar Pali, Advocate.
For Respondent/State	:	Mr. Omprakash Sahu, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

8/7/2015

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail, who has been arrested on 27-10-2014 in connection with Crime No. 750 of 2014 registered at Police Station Kotwali, Raigarh, District Raigarh (CG), for the offence punishable under Sections 411/34 (302, 201, 450 376) of IPC.
2. This is second bail application of the applicant. Earlier first bail application was dismissed on 19-2-2015 and thereafter charges have been framed by the trial Court in which against the applicant only offence under Section 411/34 of the IPC has been framed.
3. Learned counsel appearing for the applicant would submit that charge has been framed against the applicant under Section 411 of IPC i.e., dishonestly receiving stolen property which is punishable with maximum imprisonment for three years or with fine as the applicant is said to have received the stolen property i.e., mobile phone of deceased for Rs.1000/-. Offence under Section 411 of IPC is bailable offence which is triable by the Judicial Magistrate First Class. He would further submit that charge-sheet has been filed and the applicant and is in jail since 27-10-2014, therefore, he may be released on bail.

4. On the other hand, learned counsel appearing for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the charge framed against the applicant under Section 411/34 of IPC which is maximum imprisonment for three years or with fine, taking into account pre-trial detention of the applicant and nature and gravity of the offence, I am of the considered opinion that it is a fit case where the applicant can be enlarged on bail.
7. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on his furnishing a personal bond of Rs.25,000/- along with one surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)

Judge

Raju