

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Cr. Case No. 3343 OF 2015**

Pawan Kumar Gabel S/o Shri Heeralal Gabel aged about 26 years,
Occupation Agriculturist R/o Village Katoud, Police Outpost-Jobi, P.S.
Kharsiya, Civil & Revenue Distt. Raigarh (C.G.)

---Applicant**Versus**

The State of Chhattisgarh, Through the Station House Officer, Police
Outpost Jobi, P.S. Kharsiya, Civil & Revenue Distt. Raigarh (C.G.)

---Non-applicant

For Applicant	:	Mr. Sunil Sahu, Advocate
For Non-applicant	:	Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****20/07/2015**

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. 253/2015, registered at Police Outpost Jobi, P.S. Kharsiya, Distt. Raigarh, for the offence punishable under Sections 454, 380/34 of IPC.

2. Case of the prosecution, in brief, is that present applicant is alleged to have stolen and found transporting 50 bags paddy reserved for seed purpose.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that he was transporting seeds on the instruction of complainant, which is apparent from the letter written by the complainant. He

would further submit that he has not stolen any property. He would lastly submit that charge sheet has been filed and applicant is in jail since 09/06/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; defence of the applicant; role of the applicant in offence in question and pretrial detention of the applicant, this Court is of the opinion that present is the 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 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/-
(Sanjay K. Agrawal)
JUDGE