

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5812 of 2015

1. Rameshdev @ Fagu Sahu, S/o. Gopal Sahu, aged about 28 years, R/o. Village Khuteri, Tehsil and Thana Pithora, District Mahasamund (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Aarakshi Kendra, Pithora, District Mahasamund (C.G.)

---- Respondent

For Applicant	: Mr. Arvind Shrivastava, Advocate
For Respondent/State	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/11/2015

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.137/2015, registered at Police Station – Pithora, District Mahasamund (C.G.) for the offence punishable under Section 380 R/w. Section 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that in the mid night of 9 & 10 July, 2012, one Tullu Pump was stolen and thereafter, the FIR was made by one Sitaram Patel subsequently on 08.08.2015 and the recovery was made and the charge sheet was filed.
3. Learned counsel for the applicant would submit that the incident was of the year July, 2012, whereas the report was lodged on 08.08.2015 after delay of about more than 3 years. He would further submit that

the charge sheet has been filed and the applicant is in jail since 13.08.2015, therefore, he 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 that the incident was of the year July, 2012 and the FIR was made on 08.08.2015 after three years and the charge sheet has been filed and taking into account the gravity of the charges, 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