

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5833 of 2015

Kishan Adil, S/o. Dilip Adil, Aged About 22 Years, R/o. Vidya Upnagar, Bilaspur, Near Tiwari Aata Chhakki, Police Station & Post Tarbahar, Civil & Revenue District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through: Police Station Tarbahar, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Kunal Das, Advocate

For Respondent : Mr. Anant Bajpai, 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 for grant of regular bail to the applicant who has been arrested in connection with Crime No.92/2015 registered at Police Station- Tarbahar, District Bilaspur (C.G.) for the offence punishable under Section 379, 41(1-4) of Indian Penal Code.
2. Case of the prosecution is that on 18.04.2015 a complaint was lodged by the complainant Ajay Kumar that his motorcycle Pulser bearing No.C.G.10/EJ 8408 which was parked outside the house of Vinod Jain was stolen. Subsequently, the said motorcycle was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the charge sheet in this case has been filed and the applicant is in jail since 01.07.2015. He further submits that the applicant was arrested from the Court premises as he was inculpated in this case and

thereafter the seizure was not made on the basis of memorandum;
therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts and taking into account that the applicant was said to be arrested from the Court premises and further taking into the gravity of offence and detention of the applicant as he is in jail since 01.07.2015, I am inclined to release the applicant on 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge