

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6028 of 2015

Ashish Kumar Kumhar S/o. Late Kishore Kumar Kumhar Aged about 20 years, R/o. Village Karnar Colony, Telipara inside of cannel Burla, Police Station- Burla, District- Sambalpur (Orissa)

---- Applicant

Versus

State Of Chhattisgarh Through – the Station House Officer, Police Station City Kotwali, Raigarh Civil and Revenue District Raigarh (C.G.)

---- Respondent

For Applicant : Mr. Manoj Jaiswal, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/12/2015

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 B.P. No. 881/2015 and Istagasha No. 10/2015 registered at Police Station- City Kotwali, Raigarh, District – Raigarh (C.G.) for the offence punishable under Sections 41(1-4) of Cr. P. C. and 379 of IPC.
2. As per the prosecution case, in brief, that on a secret information received that the applicant was trying to sale mobile and the Police has seized three mobiles and one ATM card from the applicant. On being asked about the articles the applicant was unable to produce the documents and he was arrested by the Police for the offence punishable under section 379 of IPC.

3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case and the charge sheet in this case has been filed and the offence is triable by the JMFC. He further submits that the applicant is in jail since 23.09.2015 and therefore, he may be enlarged on bail.
4. Per contra State counsel opposes the prayer for grant of bail.
5. Having regard to the fact and the allegation leveled against the applicant and considering the gravity of offence and the manner in which the offence was committed and taking into account the fact that the charge-sheet has been filed, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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