

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6545 of 2015

Mohd. Jubair @ Sanu, S/o. Anwarul Haq, Aged About 23 Years, R/o. Village Manpur, P.S. , Tahsil & Distt. Surajpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through: P.S. Surajpur, Distt. Surajpur, Chhattisgarh

---- Respondent

For Applicant : Mr. Pushpendra Kumar Patel, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/12/2015

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 Crime No.318/2015 registered at Police Station- Surajpur, District Surajpur (C.G.) for the offence punishable under Section 379/34 of Indian Penal Code.
2. As per the prosecution case, in brief, on 27.08.2015, the applicant along with other co-accused committed theft of 200 meters cable wire worth Rs.40000/- and subsequently it was being carried in the Pickup van, which met with an accident and on investigation the case was registered.
3. Learned counsel for the applicant submits that the charge sheet in this case has been filed and the applicant has been falsely inculpated only on the memorandum statement of the co-accused Santosh Dewangan and there is no direct evidence against him.

He further submits that the applicant is in jail since 16.09.2015, therefore, he may be enlarged 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 circumstances of the case and taking into consideration the nature and gravity of offence and the evidence available against the applicant, without any observation on merit, for the purpose of bail, 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