

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6653 of 2015

1. Ram Yadav, S/o. Ghasiram, aged about 30 years, R/o. Bankheta, Tahsil-Pondiuproda, District – Korba (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Katghora, District – Korba (Chhattisgarh)

---- Respondent

For Applicant	:	Mr. Aditya Khare, Advocate
For Respondent/State	:	Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/12/2015

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.148/2015, registered at Police Station – Katghora, District – Korba (C.G.) for the offence punishable under Section 379/34 of the Indian Penal Code and Section 3 & 5 of the Prevention of Damages to Public Property Act, 1984.
2. Case of the prosecution, in brief, is that a report was made by Site Incharge of Kalptaru Power Transmission Limited, Katghora that erection of transmission tower of electricity was being carried out 31.05.2015 it was found that aluminium wire from tower No.177A/0 to 178 A/0 quantified about 16 quintals was stolen by some unknown thieves. Thereafter, during investigation aluminium wire were recovered from the possession of the applicants and after investigation charge sheet has been filed.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that similarly placed co-accused has been enlarged on bail by this Court in M.Cr.C.No.5845/2015 vide order dated 04.11.2015, therefore, he prays that the applicant may also be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, do not dispute the fact that similarly placed co-accused has been enlarged on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that similarly placed co-accused has been enlarged on bail by this Court in M.Cr.C.No.5845/2015, vide order dated 04.11.2015, 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