

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7184 of 2015

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

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Kunal Das, Advocate

For Respondent : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/12/2015

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.97/2015, registered at Police Station– Tarbahar, District Bilaspur (C.G.) for the offence punishable under Section 379 of Indian Penal Code.
2. As per the prosecution case, in brief, on 20.04.2015 the complainant Himanshu Pandey parked his Motorcycle bearing No.C.G.6C/7392 out side the Mezban Hotel, Link Road, Bilaspur, which was found to be missing and thereafter the report was made.
3. Learned counsel for the applicant submits that only on the basis of memorandum of the co-accused Ravi Shankar Jogi, the applicant has been inculpated in this case and the seizure was also made from Ravi Shankar Jogi, therefore, no allegation can be attributed against this applicant; hence, 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. I have gone through the case diary and the charge sheet. Prima facie, it shows that the recovery of Motorcycle is made at the instance of Ravi Shankar Jogi from his possession and therefore considering the facts and circumstances of the case and the fact that recovery was not made from this applicant, without any observation on merit, I am inclined to release the applicant on 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