

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7216 of 2015

1. Rakesh Kumar Patre, S/o. Dhaniram Patre, aged about 27 years, R/o. Village-Majgaonpara, Tilakward Mungeli, P.S. & Tahsil and District – Mungeli (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, P.S. Mungeli, District – Mungeli (C.G.)

---- Respondent

For Applicant	: Mrs. Indira Tripathi, Advocate
For Respondent/State	: Mr. Vivek Singhal, 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, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.537/2015, registered at Police Station – Mungeli, District – Mungeli (C.G.) for the offence punishable under Section 379/34 of Indian Penal Code.
2. Case of the prosecution, in brief is that, a report was made by one Ram Dev Sahu alleging that on 10.11.2015, his motor cycle bearing No.C.G.-04-DG-8130 was stolen from the front of Church while he went inside for prayer. Subsequently, the motor cycle bearing C.G.04-DG-8130 was recovered from the possession of the applicant.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. She would further submit that the motor cycle was given as an hypothecation from one Stephen, to

whom the applicant has advanced the loan of Rs.3,000/- and when the recovery was made, two accused were implicated. She would further submit that another case was registered, wherein the applicant has been enlarged on bail by the Sessions Court. She would further submit that the applicant is in jail since 17.11.2015, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have perused the case diary. As per the memorandum, the motor cycle was seized from the possession of the applicant. Considering the fact that matter is still investigated, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge