

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC NO. 5188 of 2015**

Omprakash Sahu S/o Mahesh Sahu (Sao) aged about 25 years, R/o Subhash Chouk Bendrai Road Urala P.S. Urala District Raipur (CG)

---Applicant

Versus

State of Chhattisgarh Through Police Station Berla, District Bemetara (CG)

---Non-applicant

For Applicant	:	Mr. Rajesh Jain, Advocate
For Non-applicant	:	Mr. O.P.Sahu, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

01/10/2015

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.97/2015, registered at Police Station-Berla, Distt.Bemetara (C.G.), for the offence punishable under Sections 379, 411, 414/34 of the IPC, Sections 136, 137, 139 of the Electricity Act and Section 3 (2) (A) of the Damages of Public Property Act.

2. Case of the prosecution, in brief, is that the applicant being scrap-dealer assisted other six co-accused persons to purchase the stolen property owned by CSEB and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and he has been falsely implicated in this case. He would further submit that neither the applicant has stolen the property nor he has purchased the stolen property and only he assisted in disposing of the stolen property to other co-accused persons, he is in jail since 22.6.2015 and charge-sheet has already been filed and therefore, he may be enlarged on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the present applicant assisted co-accused persons in disposing of the stolen property.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant; allegation against the present applicant in receiving the stolen property and the fact that charge-sheet has already been filed, 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/-

(Sanjay K. Agrawal)
JUDGE

B/-