

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5073 of 2015**

- Rahul Rathore, S/o Late Vijay Rathore, aged about 19 years, Caste-Rathore, R/o Purani Basti Kharsiya, Tahsil Kharsiya, Civil and Revenue District Raigarh (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through: the Police Station Kharsiya, Civil and Revenue District Raigarh (C.G.)

---- Non-applicant

For Applicant: Mr. R.S. Baghel, Advocate.
For Respondent/State: Mr. Om. P Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****22/09/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 271/2015 registered at Police Station Kharsiya, District Raigarh for the offences punishable under Section 379/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant & three other co-accused persons are alleged to have stolen one mobile phone, one motorcycle and Rs. 2,500/- owned by complainant-Kunjbihari Dubey and, thereby, committed the aforesaid offences.

(2) Counsel for the applicant submits that there is delay of five days' delay in lodging the First Information Report as the incident had occurred on 12.6.2015 whereas FIR has been lodged on 17.06.2015 without any explanation and no stolen articles have been recovered from the possession of the applicant and, as such, he is in jail since 02.09.2015 and the charge sheet is yet to be filed but substantial investigation has already been made and, therefore, the applicant may be released on bail.

(3) On the other hand, counsel for the State opposes the bail application.

(4) Taking into consideration the facts & circumstances of the case; and the manner in which the applicant is alleged to have stolen motorcycle, mobile phone and Rs. 2,500/- owned by the complainant and the other material collected by the prosecution; I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-