

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 5173 OF 2015**

Sahasram S/o Pratap Vishwakarma, aged about 24 years, R/o Village Kasaniya, Jatga Road, Police Station Katghora, Civil and Revenue District Korba (C.G.)

---Applicant

Versus

State of Chhattisgarh through Station House Officer, Police Station Katghora, District Korba (C.G.)

---Non-applicant

For Applicant	:	Mr. Dharmesh Shrivastava, Advocate
For Non-applicant	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****29/09/2015**

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. 188/2015, registered at Police Station Katghora, District Korba (C.G.), for the offence punishable under Section 379, 34 of Indian Penal Code and Section 3, 5 of the Prevention of Damages to Public Property Act.

2. Case of the prosecution, in brief, is that, five co-accused persons stolen electric wire owned by Kalptaru Power Transmission Limited in the month of May/June, 2015 and applicant is allegedly transported to the house of other co-accused persons.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that applicant is not owner of the Bolero vehicle bearing reregistration No. C.G.-12-D-0198 and no recovery of stolen electric wire has been made from his house. He would lastly submit that charge sheet has been filed and applicant is in jail since 02/08/2015,

therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that applicant is involved in transporting stolen electric wire and the electric wire has been seized from the possession of co-accused persons namely Tridev, Rajesh Kumar, Phool Singh, Atmaram and Dinesh Kumar.

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 in offence in question, applicant is not owner of the vehicle; electric wire has not been seized from applicant; pre-trial detention of the applicant and charge sheet has been filed, this Court is of the opinion that present is the 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 furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE