

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5611 of 2015**

Suresh Sidar S/o. Shri Shayam Lal Sidar, aged about 21 years, R/o. Gram-Ghuma Bhata, Police Station-Basna, Distt.-Mahasamund (CG)

---Applicant

Versus

State of Chhattisgarh Through the Officer-In-Charge, Police Station-Shivrinarayan, Distt.Janjgir-Champa (CG)

---Non-applicant

For Applicant	:	Mr. Praveen Das, Advocate
For Non-applicant	:	Mr. O.P.Sahu, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/10/2015

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.121/2015, registered at Police Station-Shivrinarayan, District-Janjgir-Champa (CG), for the offence punishable under Sections 379 and 411/34 of the IPC.

2. Case of the prosecution, in brief, is that the applicant and other co-accused Mithun, Mahendra and Sumran have stolen owned by complainant-Santram Yadav on 16.5.2015 and the present applicant was found in possession of only trolley on 19.5.2015 and thereby committed the aforesaid offenses.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and she has falsely been implicated in crime in question. He would further submit that there is no case of theft against the present applicant and he is said to have purchased the stolen trolley that has been only brought to him for the purpose of painting and at the most, offence

under Section 411 of the IPC is made out against the applicant for which punishment prescribed is for three years. He is in jail since 6.7.2015, charge-sheet has already been filed and no further interrogation is required and therefore, he may be enlarged on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

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, nature and gravity of the offence, role of the present applicant, his pre-trial detention and the fact that the applicant was found only in possession of trolley, 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 ₹ 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/-