

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5613 of 2015**

Vishwanath Singh, son of late Besahu, aged about 50 years, resident of village Kalipur, police station Ramanujnagar, Tahsil Premnagar, District Surajpur (CG)

---Applicant

Versus

State of Chhattisgarh, Through: The Station House Officer, Police Station-Udaipur, Civil and Revenue District Surguja (CG)

---Non-applicant

For Applicant	:	Mrs.Savita Tiwari, Advocate
For Non-applicant	:	Mr. Neeraj Jain, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

16/10/2015

1. This is the second 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.89/2015, registered at Police Station-Udaipur, District-Surguja (C.G.), for the offence punishable under Section 409/34 of the IPC.
2. This is second bail application. First bail application of the applicant was dismissed for want of prosecution vide order dated 6.10.2015 passed in M.Cr.C.No.5301 of 2015.
3. Case of the prosecution, in brief, is that the applicant found in possession of 35 liters of PDS kerosene oil belonging to the State and found selling the said kerosene oil.
4. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. She would further submit that the applicant is in jail since 4.9.2015 and charge-sheet has not been filed as yet and therefore, he may be enlarged

on bail.

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

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

7. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; nature of violation; punishment prescribed and role of the present applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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.

10. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-