

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 1445 OF 2016**

Ravishankar Jogi, Son of Soukhilal Jogi, aged about 20 years, R/o Talapara, Near Sai Mandir, Bilaspur, P.S. Civil Line, District Bilaspur (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through The District Magistrate, Bilaspur (C.G.)

---Non-applicant

For Applicant	:	Mr. Atanu Ghosh, Advocate
For Non-applicant	:	Mr. Avinash Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****31/03/2016**

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 Tarbahar, District Bilaspur (C.G.), for the offence punishable under Section 379 of Indian Penal Code.

2. Case of the prosecution, in brief, is that, on

20/04/2015 applicant and other co-accused person- Kishan Adil stolen motorcycle owned by complainant Himanshu Pandey and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that seizure was not in accordance with law. He would further submit that co-accused Kishan Adil has already been enlarged on regular bail by co-ordinate Bench of this Court on 22/12/2015 in M.Cr.C. No.7184/2015. He would lastly submit that charge sheet has been filed and applicant is in jail since 17/07/2015, 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 motorcycle in question has been seized from the possession of present applicant.

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; motorcycle in question has been recovered

from the possession of present applicant and his case completely distinguishable from the co-accused Kishan Ali, who has already been enlarged on bail, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected. However, trial Court is directed to expedite the trial.

8. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge