

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2661 of 2016**

Vinod Ekka @ Petara (wrongly mentioned as "Petar" in cause title of the order dated 05.02.2016) S/o Shri Soharai Ekka, Aged about 29 years, R/o Pakar Gaon, Jhajhi Para, Police Station Patthalgaon, District Jashpur, Chhattisgarh.

---- Applicant**versus**

State of Chhattisgarh, Through the Station House Officer, Police Station Sitapur, District Surguja, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri R.R.Soni, Advocate.

For Non-Applicant : Shri Gary Mukhopadhyay, Deputy Government Advocate.

Hon'ble Shri P. Sam Koshy, J.**Order on Board****09/06/2016**

1. This is the first application filed under Section 439 of the CrPC for grant of bail to the Applicant who is in jail since 23.09.2015 in connection with Crime No. 179 of 2015, registered at Police Station Sitapur, District Surguja, for the offences punishable under Sections 379, 411/34 of the Indian Penal Code and Section 136, 137, 140 of the Electricity Act, 2003 and Section 3(2)(a) of the Prevention of Damages to Public Property Act, 1984.

2. Prosecution case, in nutshell, is that the present applicant is a habitual offender involved in committing theft of Transformers of the State Electricity Board and from the said Transformers, he used to take out the winding core made of copper, melt it and then sold it to different persons. In all, there are eight accused persons, four of them are involved in commission of theft of the copper winding core and four of them are the purchaser of the copper knowing fully well that they are stolen articles.

3. Learned counsel for the Applicant submits that in addition to the present case, there are other cases also which have been registered against the

Applicant and it is the same seizure memo and the seized articles which has been used for implicating the Applicant in other offences also. He further submits that there is a serious discrepancy in respect of the seizure. In the memorandum statement of applicant and the co-accused Jagdish, it is stated that the stolen property was kept in the house of Jagdish whereas in the seizure memorandum, the place of seizure has not been specifically mentioned and only village Sontarai has been mentioned. Considering these facts, learned counsel for the Applicant prays for his release on bail as the Applicant has remained in custody for a period of about eight months.

4. On the other hand, learned counsel for the State has opposed the bail application on the ground that the offences alleged to have been committed by the Applicant are serious in nature.

5. Having heard learned counsel for the parties, taking into consideration the totality of the facts and circumstances of this case more particularly the period of custody undergone by the present Applicant, this Court is of the considered opinion that the present is a fit case where the Applicant may be enlarged on bail.

6. Accordingly, the bail application is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs. 20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge