

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2984 of 2016

Nemichand Yadav @ Chhotu, S/o. Shri Abhay Ram Yadav, Aged About 19 Years, R/o. Tikarapara, Sirsakala, P.S. Bhilai 03, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the District Magistrate, Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Malay Kumar Bhaduri, Advocate

For Respondent : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22.06.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.131/2016, registered at Police Station- Bhilai-3, District Durg (C.G.) for the offence punishable under Section 379/34 of the Indian Penal Code, 1860.
2. Case of the prosecution, in brief, is that a motorcycle was stolen from the Community Hall- Mangal Bhawan, Bhilai of Tikamram Nishad on 05.03.2016. Subsequently, the motorcycle was recovered from the possession of the applicant and it was found that the applicant has stolen the motorcycle as the Chassis number got matched with the stolen motorcycle bearing No.C.G.07 L.F. 0446.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Considering the fact that the recovery made from the applicant that of motorcycle and taking into the time and recovery made of the motorcycle, at this stage, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge

Ashok