

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3095 of 2016

- Dilnawaj S/o Sheikh Shaifiyuddin Aged About 26 Years R/o Laxmi Market, Supela, Bhilai, P.S. Supela, District Durg, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through the District Magistrate, Durg, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Uttam Pandey, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 404/2016 registered at P.S. Supela, District Durg (C.G) for the offence punishable under Sections 414/34 IPC.
2. As per the prosecution case, on 05.03.2016 from a vehicle bearing Regn. No.C.G.07/CA/7862, 5 tons and 130 Kgs., of scrap material was recovered and the present applicant is driver of the said vehicle thereby the offence is committed.
3. Learned counsel for the applicant submits that the goods belonged to one Mohd. Israel and the goods were not stolen and Mohd. Israel has taken the custody of the goods as would be evident from Annexure A-2 and the present applicant has been falsely implicated in this case. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 05.03.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and other documents.
6. Considering the facts and circumstances of the case and taking into nature of allegations levelled against the applicant as also the fact that charge sheet in this case has been filed and the applicant is stated to be in jail since 05.03.2016, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE