

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3211 of 2016

- Gajendra Prasad Maurya @ Shera S/O Bhanupratap Maurya Aged About 40 Years R/O Shantipara, Camp - 1, Bhilai, Tahsil & District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Nandani Nagar, Civil & Revenue District - Durg Chhattisgarh

---- Respondent

For Applicant : Mr. Amiyakant Tiwari, Advocate
For Respondent/State : Mr. Neeraj Kumar Sharma, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30.06.2016

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 on 21-06-2016 in connection with Crime No. 80 of 2015, registered at Police Station Nandani Nagar, District Durg (CG) for the offence punishable under Sections 411, 414 of IPC, Sections 136, 137 and 139 of Electricity Act, 2003 and Section 3(2) of Lok Sampati Hani Nivaran Adhiniyam.
2. Case of the prosecution, in brief, is that the applicant along with other co-accused persons has committed theft of iron angles from electric transmission towers belonging to power grade corporation worth Rs.70,000/- and thereby he committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that the applicant is innocent, he has been falsely implicated in this case, charge-sheet has been filed and no further investigation is

necessary. He would further submit that the applicant is in jail since 21-06-2016 and similarly placed other co-accused persons have already been enlarged on bail by the Sessions Court, therefore, the applicant may be enlarged on bail.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail and does not dispute the fact that other co-accused persons have been granted bail by the Sessions Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration all the facts and circumstances of the case, nature of allegation leveled against the applicant, charge-sheet has been filed and further considering the fact that the applicant is in jail since 21-6-2016 and similarly placed other co-accused persons have already been enlarged on bail by the Sessions Court, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju