

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3861 of 2016

- Raju @ Dileep Das S/O Baratu Das Aged About 38 Years (Ratu Das Wrongly Mntioned In Certified Copy) R/O Kunda Marari, Post - Ganiyari, Police Station - Kota, Civil & Revenue District - Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Mungeli, District - Mungeli Chhattisgarh

---- Respondent

For Applicant : Mr. Yogeshwar Sharma, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20.07.2016

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 1-6-2016 in connection with Crime No. 233 of 2007, registered at Police Station Mungeli, District Mungeli (CG) for the offence punishable under Sections 379, 411, 201/34 of the IPC.
2. As per prosecution case, in the year 2007 a report was made by complainant Ajay Kumar Chopda that he went to attend some marriage on his motor-cycle (Passion) bearing registration No. CG-10 BC-2540 and the same was stolen. Subsequently, on investigation, it was found that the said motor-cycle was stolen by co-accused persons Shiv Kumar Sahu and Santosh Das, parts thereof were separated and the applicant had purchased the engine of the said motor-cycle for Rs.1,500/- and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, he was *bona fide* purchaser of the engine of the said vehicle for Rs.1500/-, charge-sheet has been filed in this case, he is in jail since 1-6-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents which would show that the applicant had purchased the engine of the motor-cycle for Rs.1500/-.
6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the fact that the applicant had purchased the engine of the motor-cycle for Rs.1500/-, charge-sheet has been filed and he is in jail since 1-6-2016, 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