

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4641 of 2016

Umesh Sao, S/o. Late Lakhan Sao, Aged About 40 Years, R/o. Harshi Vihar Colony, Near Shiv Mandir, Ward No. 28, Urkura, Police Station Khamtarai, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Police Station Tilda Nevra, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.P.Sahu, Advocate

For Respondent : Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.08.2016

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.134/2016 registered at Police Station- Tilda Nevra, Distt. Raipur (C.G.) for the offence punishable under Section 407, 420, 120-B & 34 of Indian Penal Code.
2. As per the prosecution case, the applicant alongwith other accused used to take away the furnace oil from the tanker and sale it and it was found that the applicant with the help of other co-accused has stolen 17000 liters of furnace oil of Rs.2,71,000/- and used to sell the same.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and no any seizure has been affected and only on the basis of the memorandum of the other co-accused, he has been inculpated. He further submits that

the similarly placed accused Pappu Prasad Yadav has been enlarged on bail by this Court on 09.08.2016 in MCRC No.4413 of 2016, therefore, the present applicant may also be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that the similarly placed accused namely Pappu Prasad Yadav has been released on bail by this Court.
5. Perused the case diary and the documents. Considering the facts and circumstances, nature of offence and degree of allegation and further taking into fact that the charge sheet has been filed and the similarly placed accused has been enlarged on bail, I am inclined to release the present applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.

Sd/-
(Goutam Bhaduri)
Judge