

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4312 of 2016

- Ramkumar S/o Ramjit Aged About 28 Years Caste Mallah, R/o Sahabuddinpur, P.S. Karaundhikala, District Sultanpur, Uttar Pradesh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Out Post Karanji, P.S. Vishrampur, District Surajpur, Chhattisgarh. ---- **Respondent**

For the applicant	:	Mr. Sakti Raj Sinha, Advocate
For the Respondent	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.08.2016

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. 130 of 2016 registered at P.S. Out Post Karanji, P.S. Vishrampur, Distt. Surajpur (C.G) for the offence punishable under Section 379 IPC.
2. As per the prosecution case, on 14.06.2016 a report was lodged by one Sushil Kumar Gupta that on 12.06.2016 he went to duty on his motorcycle bearing Regn.No.15CU 9816 and while coming back he parked his vehicle and tried to answer the call of nature and at that time, the applicant took away the motorcycle, for which, a report was made and subsequently from the possession of the applicant, the motorcycle was recovered.
3. Learned counsel for the applicant submits that the FIR was made on 14.06.2016 at about 1.15 p.m., whereas the recovery of vehicle was made prior to such report, therefore,

the applicant has been falsely implicated and he may be released on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents. It appears that initially the motorcycle was seized from the applicant and subsequently it was found that the said motorcycle was stolen. The seizure memo would show that it was seized from the applicant u/s 41(1-4) of Cr.P.C.
6. Thus considering the totality of the facts and circumstances of the case, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE