

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5536 of 2016

1. Shankar Kewarth, S/o. Shri Raghwan Kewarth, age 32 years, R/o. Village-Pahnda, P.S. Urga, Tahsil, Revenue and Civil District – Korba (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Urga, District – Korba (C.G.)

---- Respondent

For Applicant	: Mr. Sandeep Dubey, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/09/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.58/2016, registered at Police Station – Balco Nagar, District – Korba (C.G.) for the offence punishable under Section 379 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 28.02.2016, a report was made by Sunil Kumar Mahilange that he parked his trailer bearing No.C.G.-04-JC-1641 to Balco Plant and went to answer the nature's call. Thereafter the trailer was driven by one person away, he tried to stop it but the person fled away with trailer. Subsequently, the applicant was arrested with trailer.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the applicant and

complainant both were driver and at the instance of the complainant, the trailer was being taken to another coal yard and had there been any intention to commit theft, he would have fled away with the vehicle as the vehicle was seized at about 1.30 PM in the Balco Nagar itself. Therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and documents. Considering the facts and circumstance of the case and the place of incident and the recovery and further considering the fact that charge-sheet in this case has been filed, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge