

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7611 of 2015

Jaiprakash Prajapati, S/o. Kamta Prasad Prajapati, Aged About 28 Years,
Occupation Labouer, R/o. Rakshapali, Police Station Bhupdevpur, District
Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station
Gharghoda, District Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Ashish Gupta, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.01.2016

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.186/2015, registered at Police Station– Gharghoda, District Raigarh (C.G.) for the offence punishable under Section 379/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 08.07.2015 a report was lodged by the complainant Tapan Mandal, Manager of T.R.N. Power Plant Project that some cable wire were stolen from the Plant. The applicant who was unloading the cable wire was caught hold of and was asked to produce the documents but it was not produced. Subsequently, it was found that the cable wire were stolen and after investigation the charge sheet has been filed.

3. Learned counsel for the applicant submits that no evidence is available against the applicant. He further submits that the similarly placed co-accused namely Abhay Singh, Vikram Dewangan & Niranjana Singh have been enlarged on bail by this Court in M.Cr.C. No.6456, 6588 & 6614 respectively and submits that the case of the present applicant is similar to that of the other co-accused who have been enlarged on bail, therefore, the present applicant may also be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts and circumstances of the case, considering the fact that the charge sheet has been filed and the applicant is in jail since 08.07.2015 and further taking into fact that the other similarly placed co-accused have been enlarged on bail, 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.
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 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