

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7404 of 2015

Ajay Prasad Patley, S/o Kalam Prasad Patley, Aged About 23 Years, R/o Village Sodar, Police Station Jarhagaon, Tahsil Mungeli, Rev. & Civil Distt. Mungeli, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Tarbahar, Distt. Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. P.K.Patel, Advocate

For Respondent : Mr. S.R.J.Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/01/2016

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.352/2015 registered at Police Station- Tarbahar, District Bilaspur (C.G.) for the offence punishable under Section 379 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant who was working as Security Guard under the complainant took away the Fortuner Car bearing No.C.G.10 K 0077 and while he was running away he met with an accident. Consequently, on a report having been lodged, the recovery of the Car was made and the offence has been registered.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the applicant went out by the Car, however, he was coming back, therefore, it would show that there is no intention to commit theft.

He would submit that the charge sheet in this case has been filed and no further evidence is required; therefore, the 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 and considering the fact that the charge sheet has been filed and the applicant is in jail since 24.11.2015, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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