

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7579 of 2015

1. Bharat, S/o. Shyam Kumar @ Bhoko, aged about 20 years, Caste-Sounra, R/o. Village-Kotmra, P.S. - Tah. & District Raigarh (C.G.)

----Applicant

Versus

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

---- Respondent

For Applicant	: Mr. Vinit Kumar Pandey, Advocate
For Respondent/State	: Mr. Vivek Singhal, Panel Lawyer

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, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.230/2015, registered at Police Station – Pussour, District – Raigarh (C.G.) for the offence punishable under Section 379/34 of Indian Penal Code and Section 41 (1-4) of Cr.P.C..
2. Case of the prosecution, in brief, is that the applicant alongwith other co-accused has committed theft of the batteries from different vehicles and at different place and subsequently when the applicant was arrested on his memorandum, the batteries were recovered and the applicant was arrested on 18.11.2015 and the report was made subsequently.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that after arrest of the applicant on 18.11.2015, the FIR was made on

21.11.2015. He would further submit that charge sheet in this case has been filed and the applicant is in jail since 18.11.2015, 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 and perused the case diary.
6. Having regard to the facts and circumstances of the case, the degree of the offence and the nature of allegation levelled against the applicant, further considering the fact that charge sheet in this case has been filed and the applicant is in jail since 18.11.2015, 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 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