

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7600 of 2015

Chandra Kumar, S/o. Harilal Gabel, Aged About 26 Years, R/o. Village Bakeli, P.S. & Tah. Kharsia, Civil & Rev. Distt. Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, P.S. Kharsia, Distt. Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. F.S.Khare, Advocate

For Respondent : 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 for grant of regular bail to the applicant who has been arrested in connection with Crime No.486/2015, registered at Police Station– Kharsia, District Raigarh (C.G.) for the offence punishable under Section 381/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that in between 15.08.2015 to 24.08.2015 the applicant along with his brother committed theft in the house of Satyanarayan Agrawal and stolen 48 bags of BAP fertilizer, Tullu Pump, Mobile and cash of Rs.50,000/-; thereby the offence has been registered.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and only allegation against this applicant is that he was accompanied with his brother who was working with Satyanarayan Agrawal. He further submits that the fertilizer was seized from the open road and the Tullu Pump has

also not been identified that of the complainant. He further submits that the charge sheet has been filed and the applicant is in jail since 19.10.2015, therefore, he may 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. Taking into the facts and circumstances of the case and the degree of allegations and further considering the fact that the charge sheet has been filed and the applicant is in jail since 19.10.2015, 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