

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 108 of 2016

1. Adil Khan, S/o. Mohd. Sabir Khan, aged about 34 years, By Caste : Musalman, R/o. In front of Life Birth Hospital, Samta Colony, Raipur, Tahsil and District – Raipur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Rudri, District – Dhamtari (C.G.)

---- Respondent

For Applicant	: Mr. Ajay Kumar Chandra, Advocate
For Respondent/State	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/01/2016

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.129/2015, registered at Police Station – Rudri, District – Dhamtari (C.G.) for the offence punishable under Section 379, 411/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that a theft of 48 pieces of Battery was committed in the premises of Reliance Tower on 10.07.2015 and on the report being made, the matter was investigated and it is found that the applicant alongwith other co-accused has stolen the batteries and sold to the other co-accused.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that only on the basis of memorandum of other co-accused, the applicant has been inculpated. He would further submit that charge-sheet in this case has been filed and the applicant is in jail since 04.11.2015,

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. Taking into facts and circumstances of the case, the degree of offence, and the nature of allegation levelled against the applicant and the fact that the applicant is in jail since 04.11.2015 and further taking into 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 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