

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.No. 7677 of 2015

- Santuram Markam, s/o Sukhram, aged about 36 years, R/o Village Sod Sivani, PS Makari Revenue and Civil District Kondagaon (CG)

---- Applicant (In Jail)

Versus

- State of Chhattisgarh, through the Police Station Kondagaon, District Kondagaon (CG)

---- Respondent

For Applicant : Shri PK Tulsyan, Advocate
For Respondent/State : Ms Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.01.2016

- 1) This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.268 of 2014, registered at PS Kondagaon, district Kondagaon (CG) for the offence punishable under Section 379 / 34(2) of IPC.
- 2) As per the prosecution case, one co-accused Lakhmu Markam was arrested and on his memorandum, it was discovered that a motorcycle bearing No.CG-04-CX-1180 which was kept in front of the house of the applicant and the same has been recovered from his house without knowledge

that it was stolen property. The motorcycle was seized from the house of the applicant and he failed to produce any document in respect of that motorcycle, thereby the offence was committed.

- 3) Learned counsel for the applicant submits that the applicant has purchased the motorcycle in question; he has been falsely implicated in the case; Section 379 IPC is not made out against the present applicant, as it is not possible to rely that some motorcycle has been left in front of the house of the applicant; and there is no allegation against the applicant that he was part of the theft, therefore, he may be enlarged on bail.
- 4) Per contra, learned State Counsel opposes the prayer for grant of regular bail to the applicant.
- 5) Heard learned counsel for the parties and perused the record.
- 6) On perusal, it reveals according to the memorandum of the co-accused Lakshmu Markam, the motorcycle in question was kept in front of the house of the applicant, who further kept it inside the house.
- 7) Taking into consideration the nature of evidence collected by the police against the present applicant, there is no allegation of theft. On the basis of seizure of the motorcycle only, the applicant has been arrested. Further taking into consideration that charge-sheet has already been filed against the

applicant and again the degree of allegations levelled on the applicant, I am inclined to release the applicant on bail.

- 8) Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE