

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.489 of 2016**

Satish Upwanshi Son of Shri Dayaram, aged about 32 years, R/o Rameshwar Nagar, Q.No.964 Bhanpuri, Police Station Khamtarai, Tahsil Raipur, Revenue and Civil District Raipur (CG)

---Applicant

Versus

State of Chhattisgarh, through the Station House Officer, R.P.F. Raipur, Revenue and Civil District Raipur (CG)

---Non-applicant

For Applicant	:	Mr.Dashrath Kushwaha, Advocate
For Non-applicant	:	Mr. D.R.Minz, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

04/02/2016

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.1/2016, registered at Police Station-R.P.F. Raipur, District-Raipur (C.G.), for the offence punishable under Section 3(A) of the R.P. (U.P.) Act.

2. Case of the prosecution, in brief, is that the applicant was found in possession of adopters and other property belonging to the railway and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that the applicant

is in jail since 15.12.2015 and charge-sheet has not been filed.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; pre-trial detention of the applicant; his defence and availability of article in the market, 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 the 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/-

(Sanjay K. Agrawal)
JUDGE

B/-