

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C.No.392 of 2016

Rahul Agrawal S/o Krishna Agrawal, aged about 20 years, R/o Village –
 Jashpur Road, P.S. – Pathalgaon, Distt.Jashpur (CG)

---Applicant

Versus

State of Chhattisgarh, through, S.H.O., Police Station Sitapur, Distt.-
 Surguja (CG)

---Non-applicant

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Non-applicant	:	Mr. O.P.Sahu, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

02/02/2016

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.154/2015, registered at Police Station-Sitapur, District-Surguja (C.G.), for the offence punishable under Sections 379 & 411/34 of the IPC, Section 136, 137, 139 & 140 of the Electricity Act and Sections 3 & 2(a) of the Public Property Damages Act.

2. Case of the prosecution, in brief, is that on 5/6.7.22015, a report was made that the Transformer at village-Haldisar Moharipara, P.S. Sitapur, which was in operation was disconnected and the coil inside it was stolen away by the other co-accused and subsequently on the memorandum of co-accused, it was informed that the said coil and copper was purchased by this applicant.

3. Learned counsel for the applicant would submit that the applicant

has been falsely implicated in this case as the applicant is running a Utensil Shop and in normal routine he has purchased the goods. He would further submit that charge sheet in this case has been filed and the applicant in jail since 23.9.2015, therefore, the counsel prays that the applicant may be enlarged on bail.

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. Having regard to the fact that seizure has already been made and the charge sheet has been filed and taking into consideration the allegation against the applicant is predominately for purchase of stolen property and he is in jail since 23.9.2015, 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 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/-

