

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 1400 OF 2016**

Kartik Ram S/o Shri Manglu Sarthi aged about 40 years R/o
village Jharna Police Station Tamnar District Raigarh (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer Police
Station Batouli District Sarguja (C.G.)

---Non-applicant

For Applicant	:	Mr. S.S. Baghel, Advocate
For Non-applicant	:	Mr. O.P. Sahu, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****17/03/2016**

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. 25/2015, registered at Police Station Batouli, District Sarguja (C.G.), for the offence punishable under Sections 379, 411/34 of the I.P.C., Sections 136, 137, 140 of Electricity Act and Sections 3 and 2A of Public Property Damages Act.

2. Case of the prosecution, in brief, is that, applicant is said to have purchased the stolen copper wire owned by the Electricity Board and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. The applicant is in jail since 23/09/2015. At the most, offence under Section 411 of the I.P.C. For purchasing stolen property is made out against the applicant and he had already suffered jail sentence for five months. Charge Sheet has been filed and co-accused Manoj Agrawal has been granted bail by a coordinate Bench of this Court in M.Cr.C. No.7292/2015 by order dated 04/01/2016.

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; stolen property has already been recovered from the possession of present applicant, he is in jail since 23/09/2015 and co-accused Manoj Agrawal has already been

released on bail, this Court is of the opinion that present is the 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 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