

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 1367 OF 2016**

Mahesh Patel S/o Jageshwar Prasad Patel aged about 44 years Caste Patel R/o village Bokramuda Tahsil Sakti Police Station Baradwar District Janjgir Champa C.G.

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer Police Station Baradwar District Janjgir Champa C.G.

---Non-applicant

For Applicant	:	Mr. Gurudev I Sharan, Advocate
For Non-applicant	:	Mr. Aditya Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****06/04/2016**

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. 67/2016, registered at Police Station Baradwar, District Janjgir Champa (C.G.), for the offence punishable under Sections 414, 34, 411 of the I.P.C.
2. Case of the prosecution, in brief, is that, applicant

said to have purchased one stolen motorcycle from co-accused Sukhen Kumar and Vishwanath Patel 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. He would further submit that there is no offence of theft is made out against the present applicant and only allegation under Sections 411 and 414 IPC has been made out which are punishable with three years rigorous imprisonment. He would lastly submit that charge sheet has been filed and applicant is in jail since 17/12/2015, therefore, he may be released 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. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the applicant; punishment prescribed under Section 411 and 414 IPC; charge sheet has already been filed and pretrial detention of the applicant, 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