

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 1444 OF 2016**

Ravishankar Jogi, Son of Soukhilal Jogi, aged about 18 years, R/o Near Sai Mandir, Bharat Chowk, Talapara, Bilaspur, P.S. Civil Line, Tahsil and District Bilaspur (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station Tarbahar, Bilaspur, District Bilaspur (C.G.)

---Non-applicant

For Applicant	:	Mr. Atanu Ghosh, Advocate
For Non-applicant	:	Mr. Avinash Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****31/03/2016**

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. 92/2015, registered at Police Station Tarbahar, District Bilaspur (C.G.), for the offence punishable under Section 379 of Indian Penal Code.

2. Case of the prosecution, in brief, is that, on

18/04/2015 applicant and other co-accused person- Kishan Adil stolen motorcycle owned by complainant Ajay Kumar 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 motorcycle in question was recovered from the possession of co-accused Kishan Adil and no seizure has been made from the present applicant. He would further submit that co-accused Kishan Adil has already been enlarged on regular bail by co-ordinate Bench of this Court on 04/11/2015 in M.Cr.C. No.5833/2015. He would lastly submit that charge sheet has been filed and applicant is in jail since 17/07/2015, 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 present applicant; pretrial

detention of the applicant; charge sheet has already been filed, no seizure has been made from the present applicant and the fact that co-accused person has already been enlarged 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