

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2379 of 2016

- Dwarika Prasad Chouhan S/O Shri Chedilal Chouhan Aged About 20 Years R/O Atal Aavas Kharsia, Tahsil And P.S. - Kharsia, Civil And Rev. District Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Of The Chowki - Jutemill, P.S. - Kotwali, District Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mr. Abhishek Saraf, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 16-01-2016 in connection with Crime No. 27 of 2016, registered at Police Station Khorsia, District Raigarh (CG) for the offence punishable under Sections 457, 380, 34 of the IPC.
2. As per case of the prosecution case, in the intervening night of 1-11-2016 & 2-11-2016 theft was committed in the shop of one Sunil Kumar Agrawal, tyres, tubes & automobile parts were stolen. Subsequently on the investigation, a report was made and Prem Kumar and Shiv Kumar were arrested and on their memorandum statements, it was revealed that the applicant has also committed theft of 8 tyres, 1 tube and 13 tins of engine oil worth Rs.21,180/- and same were recovered from his possession and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that though the complainant has stated that the aforesaid automobile

parts were stolen, but the invoices would not show that the aforesaid articles which were allegedly stolen, belonging to the applicant, therefore, the applicant has been falsely implicated in this case. He would further submit that the charge-sheet has been filed in this case, the applicant is in jail since 16-1-2016 and no further investigation is necessary, therefore the applicant may be enlarged on bail.

4. *Per contra*, the State counsel opposes the bail application.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case and further considering the fact that the charge-sheet has been filed in the case and the applicant is in jail since 16-1-2016, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju