

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3027 of 2016

1. Vikas, S/o. Ram Prakash, aged about 28 years, R/o. New Krishna Nagar, Beside of Chourasiya Fabrication, Supela, P.S. Supela, District-Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the District Magistrate, Durg (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Uttam Pandey, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/06/2016

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.403/2016, registered at Police Station – Supela, District – Durg (C.G.) for the offence punishable under Section 414/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that a truck bearing No.C.G.-04-CP-1786 was caught and 9 ton 180 kg scrap materials was seized from the applicant, and the applicant was driver of the vehicle and no documents was produced to show the source of such procurement of scraps as such the offence has been committed.

3. Learned counsel for the applicant submits that no iota of evidence is available against the applicant and the entire goods were received on supurdnama by one Mohd. Isrile, the co-accused, which would be evident from the document Annexure A/2. He further submits that charge-sheet in this case has been filed and no further investigation is necessary and the applicant is in jail since 05.03.2016, therefore, he may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Considering the facts and circumstances of the case, the nature of offence and the allegation levelled against the applicant and the fact that charge-sheet in this case has been filed and the applicant is in jail since 05.03.2016, 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 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/-
(Goutam Bhaduri)
Judge