

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3169 of 2016

1. Gautam Yadav, S/o. Bahoran Yadav, aged about 26 years, R/o. Village- Mangala Dhuripara, P.S. Civil Line Bilaspur, Revenue and Civil District – Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Police Station,- Civil Line, District – Bilaspur (Chhattisgarh)

---- Respondent

For Applicant	: Mr. P.K. Tulsyan, Advocate
For Respondent/State	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30/06/2016

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.176/2016, registered at Police Station – Civil Line, District – Bilapur (C.G.) for the offence punishable under Section 379 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 19.03.2016 the applicant has stolen the motor cycle of Abdul Naim from the Court premises. Subsequently the motor cycle was recovered from the possession of the applicant. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant is the son of the person, who works in the canteen and when the applicant went to meet his father while coming back, inadvertently, the motor

cycle was changed. He further submits that the applicant has no previous antecedents and charge-sheet in this case has been filed and he is in jail since 20.03.2016, therefore, the counsel prays that the applicant 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. Perused the case diary and documents. Considering the facts and circumstances of the case, the nature and the degree 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 20.03.2016, 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