

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4109 of 2016

- Gokul Khunte S/O Shri Bagh Khunte Aged About 24 Years R/O Ratakhar, Kahar Mohalla, Police Station Kotwali Korba, District Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Police Station Kotwali Korba, District Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.S. Rajput, Advocate

For Respondent/State : Mr. Satish Gupta, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.07.2016

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 31-5-2016 in connection with Crime No. 236 of 2016, registered at Police Station Kotwali, District Korba (CG) for the offence punishable under Sections 379 and 411/34 of the IPC.
2. As per prosecution case, on 22-5-2016 a report was made by the complainant Prem Kumar that his motor-cycle bearing registration No. CG-12- AG-0775 was stolen by the applicant along with other co-accused and subsequently on investigation, at the instance of the applicant and other co-accused motor-cycle was recovered from the possession of Abhijit Mishra at Mandla and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that on the memorandum statement of co-accused, the applicant has been inculpated in this case. He would further submit that the applicant

has been falsely implicated in the case, charge-sheet has been filed in this case, he is in jail since 31-5-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposing the prayer for grant of bail would submit that at the instance of the applicant the motor-cycle was recovered.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents which would show that at the instance of the applicant the motor-cycle was recovered.
6. Taking into consideration the facts of the case, nature of offence and the evidence available on record against the applicant, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Raju