

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4184 of 2016

1. Mohammad Israil Hussain, S/o. Alfat Hussain, aged about 39 years,
R/o. Gurudwara Road, Supela Bhilai, Tahsil and District – Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station-
Supela, District – Durg (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate
For Respondent/State	: Ms. Shobha Kashyap, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/08/2016

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.404/2016, 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 from the vehicle bearing No.C.G.-04CA-7862, 5 ton 130 kg scrap materials was recovered, which was stolen and the allegation against the present applicant is that he has assisted for concealment of the aforesaid stolen property.

3. Learned counsel for the applicant submits that the applicant is working as scrap material dealer and therefore, without any rhyme and reason he has been arrested and there is no evidence with the prosecution that the applicant has assisted in concealing the stolen property. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 13.06.2016, 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 and would submit that as many as 24 cases are pending against the applicant out of which 8 cases are under Section 379 of I.P.C., 9 cases of 110, 3 cases under Excise Act, 2 cases under Railway Property Act and one case under Section 294, 323, 506 of I.P.C
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Charge-sheet in this case has been filed. Considering the fact the nature of offence and the charge as has been levelled against the applicant, the offence are triable by JMFC. Further considering the fact that certain orders have been filed wherein the applicant has been acquitted of the charges and further taking into the fact that the applicant is in jail since 13.06.2016, 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

Balram