NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7284 of 2015

1. Manoj Agrawal, S/o. Sant Lal Agrawal, aged about 42 years, R/o. Kevda Badi, Bus Stand Road, Raigarh, P.S. City Kotwali, Raigarh, District – Raigarh (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Chhattisgarh State Power Distribution Company Ltd. Sitapur, District – Surguja, (C.G.)

---- Respondent

For Applicant : Mr. Mateen Siddiqui, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/01/2016

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.179/2015, registered at Police Station – Sitapur, District – Sarguja (C.G.) for the offence punishable under Section 379, 411, 34 (344 wrongly mention in the impugned order) of I.P.C. read with Section 136, 137, 140 of the Electricity Act, 2003, and Section 3/2(A) of the Prevention of Damage to the Public Property Act, 1984 (only Section 411 applicable against the applicant).

2. Case of the prosecution, in brief, is that on 03.04.2015, a report was made that the Transformer at village- Dharampur (Nagwanshipara), P.S. Sitapur, which was in operation was disconnected and the coil inside it was stolen away by the other co-accused and subsequently on the memorandum of the co-accused, it was informed that the said coil and copper was purchased by this applicant.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case as the applicant is running a Utensil Shop and in normal routine he has purchased the goods. He would further submit that charge sheet in this case has been filed and the applicant is in jail since 23.09.2015, 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 and perused the case diary.

6. Having regard to the fact that the seizure has already been made and the charge sheet has been filed and taking into consideration the allegation against the applicant is predominantly for purchase of stolen property and he is jail since 23.09.2015, 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