

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7347 of 2015

Rahul Agrawal, S/o. Krishna Agrawal, Aged About 20 Years, R/o. Pathalgaon, P.S.- Pathalgaon, Civil & Revenue Distt. Jashpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through S.H.O., Police Station- Kamleshwarpur, Distt. Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/01/2016

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 in connection with Crime No.02/2015 registered at Police Station- Kamleshwarpur, District Surguja (C.G.) for the offence punishable under Section 379, 411/34 of Indian Penal Code, Section 136, 137, 139 and 140 of Electricity Act and Section 3 & 2(A) of Public Property Damages Act.
2. As per the prosecution case, in brief, on 11.01.2015 certain Transformers were stolen of 16 KVA alongwith core winding from Village – Hinghawa, P.S. Kamleshwar. The complaint was made by Bholu Prasad Yadav and when the investigation was made, on the memorandum of the other accused in Crime No.130/2015 namely Jagdish, it was discovered that the applicant has purchased the stolen goods and thereafter recovery of 12 kg 300 gm of copper wire was made from the possession of applicant on

the allegation that the applicant has purchased the said copper wire which was taken out from the said transformer.

3. Learned counsel for the applicant submits that the only allegation leveled against this applicant is that he has purchased the stolen property and 12 kg 300 gm of copper wire has been seized from this applicant. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 23.09.2015, therefore, he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
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 further considering the fact that the allegations are predominantly for the purchase of stolen property and the applicant is in jail since 23.09.2015, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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