

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7665 of 2015

- Sanjay Vaswani S/o Late Chandan Mal Vaswani Aged About 46 Years R/o Ashok Nagar, Gudhiyari, Police Station Gudhiyari, Distt. Raipur, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Ganj, Distt. Raipur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. G.D. Waswani, Advocate.
For the Respondent	:	Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 245 of 2015 registered at Police station Ganj, District Raipur (C.G) Distt. Raipur (C.G) for the offences punishable under sections 379/34 IPC.
2. As per the prosecution case, on 23.11.2015, a two wheeler i.e., Activa bearing Regn. No.C.G.04-HZ/1043 which was parked outside the station was stolen away by the applicant along-with other co-accused and subsequently, co-accused Deepak Namdeo was arrested and on his memorandum, the vehicle was recovered, thereby the offence is committed.
3. Learned counsel for the applicant submits that only the key has been recovered from the applicant that too on the memorandum of co-accused and there is no eye witness in this case and only on the basis of recovery of key on the memorandum statement, the applicant has been inculpated in this case and except this no other evidence is available against this applicant. He further

submits that the charge sheet in this case has been filed and the applicant is in jail since 23.11.2015, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Considering the way in which the recovery of key made and the degree of allegations against this applicant and taking into fact that the charge sheet has been filed and the applicant is in jail since 23.11.2015, I am inclined to release the applicant on bail..
6. Accordingly, this bail petition is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He shall appear before the trial Court as and when directed by the said Court.
7. Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**