

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7774 of 2015

Sanjay Kol, S/o. Rupa Kol, Aged About 30 Years, R/o. Village Bhalumada, Line Dafai, Ward No. 14, Post Office & Police Station Bhalumada, Tahsil & District Anuppur (M.P.)

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Chirmiri, District Koriya, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/01/2016

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.278/2015 registered at Police Station- Chirmiri, District Koriya (C.G.) for the offence punishable under Section 379 of Indian Penal Code.
2. As per the prosecution case, the complainant namely Habib Khan has lodged a report that on 27.08.2015 at about 8 p.m. he had parked his Motorcycle bearing No.CG/16/CA/0137 in front of Haldi Badi Station, Chirmiri and went inside the Station to meet his friend and after some time when he came back he found that his Motorcycle is missing. Thereafter, the applicant was arrested and on his memorandum the motorcycle was recovered.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case as he has not stolen the Motorcycle but he has purchased the same for a valuation

consideration, therefore, the applicant may also be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that against the applicant one more case in Crime No.1717/2011 was registered under Section 394, 34 of IPC.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the case diary and the statement. Taking into the facts and circumstances of the case and further considering the fact that the applicant was also involved in another case, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge