

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4951 of 2016

1. Narayan Patel, S/o. Shri Ramlal Patel, aged about 54 years, R/o. Village-Chote Bhandar, P/s. and Tahsil – Pussour, Civil and Revenue District – Raigarh (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Officer In-charge of the Police Station – Pussour, District – Raigarh (C.G.)

---- Respondent

For Applicant	: Mr. Abhisek Saraf, Advocate
For Respondent/State	: Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/08/2016

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.148/2016, registered at Police Station – Pussour, District – Raigarh (C.G.) for the offence punishable under Section 380 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by Samod Kumar, complainant that on 27.07.2016 he parked his vehicle bearing No. C.G.-13-N-4952 in courtyard, which was stolen by some one, subsequently, the said vehicle was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant is the landlord and the complainant is tenant and entry for the both the

premises of the applicant and complainant are one and same and the parking area are same and it is impossible to accept the theory that the vehicle was recovered from the possession of the applicant, therefore, the applicant has been falsely implicated in this case. 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.
6. Perused the case diary as also the site map of the incident. Taking into the fact it appears that entrance of the houses of the applicant and the complainant is one and same. Taking in to such fact, 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