

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5218 of 2016

1. Ajit Kumar Ajay Kumar Pradhan, S/o. Shankar Prasad Pradhan, aged about 35 years, R/o. Village-Rumga, at Post – Kotmi, Police Station – Pendra, District – Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : District Magistrate, Raigarh (C.G.)

---- Respondent

For Applicant : Mr. Basant Dewangan, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/09/2016

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.262/2004, registered at Police Station – Kharsia, District – Raigarh (C.G.) for the offence punishable under Section 406 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by Manoj Kumar that on 14.08.2004, the applicant who was working as labour took away the motor cycle from his mill and has not returned. Subsequently, the charge-sheet in this case has been filed and the applicant was absent, and from 2010 arrest warrant was issued and ultimately, the applicant was arrested on 27.07.2016. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the applicant being the labour went out of the city to earn his livelihood and when he came back, he was arrested on 27.07.2016. It is further submitted that no further investigation is necessary 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 and the documents. Considering the facts and circumstances of the case, taking into the fact that original report was made in the year 2014 and further taking into the totality of the case, 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