

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5178 of 2016

Rajkumar, S/o. Teejram, Aged About 24 Years, Caste- Kanwar, R/o. Village- Nawapara, Tenda, Police Station & Tahsil - Gharghoda, District- Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station- Gharghoda, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Manoj Kumar Jaiswal, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06.09.2016

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.160/2016 registered at Police Station- Gharghoda, Distt. Raigarh (C.G.) for the offence punishable under Section 379, 34 of Indian Penal Code.
2. As per the prosecution case, a report was made by Rajkumar Rathiya that the present applicant along-with other co-accused who were deployed to drive and manage the vehicle bearing No. C.G. 13 F 7622 had stolen Battery of the vehicle of Rs.15,000/- and Cover of Rs.2500/-.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and instead the applicant though was a Driver was not paid salary and in order to avoid the payment, the false allegations have been attributed. He further submits that since the alleged recovery has already been made, no further

investigation is necessary and therefore the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case, nature of offence and degree of allegation and the fact that the charge sheet has been filed, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge