

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5435 of 2016

- Gulab Kandra S/O Shri Brij Kandra Aged About 20 Years R/O Amapara, Near Shitla Mandir, Police Station: Ajad Chowk, Raipur, Tahsil & District Raipur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Thorough The Station House Officer, Police Station Khamtarai Raipur, District Raipur : Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K. Patel, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14-09-2016

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 on 3-1-2016 in connection with Crime No. 446 of 2011, registered at Police Station Khamtarai Raipur, District Raipur (CG) for the offence punishable under Section 379 of the IPC.
2. Case of the prosecution, in brief, is that on 10-11-2011 motor-cycle (Hero Honda) bearing registration No. CG-04-CJ/3270 of one Manish was stolen and the report was made. Subsequently, the said motor-cycle was not recovered. Consequently, the applicant was apprehended in the year 2016 and thereafter on his memorandum, one motor-cycle apart from the stolen motor-cycle was recovered which was kept in his house and the same was found to be of the same chassis number and engine number of the

stolen vehicle of complainant and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, the incident is of 2011 and the applicant has not stolen motor-cycle. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 3-1-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary and other documents which would show that from the possession of the applicant stolen motor-cycle was recovered which was found to be of the same chassis number and engine number of the stolen vehicle of the complainant.
6. Taking into consideration the facts and circumstances of the case, nature of allegations and degree of offence, the manner in which the offence was committed and further considering recovery made from the applicant, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju