

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5877 of 2016

- Vivek Bhaskar S/o Santuram Bhaskar Aged About 20 Years Caste Satnami, R/o Village Pendri, Police Station Tahsil Masturi, District Bilaspur Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Masturi, District Bilaspur Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Suresh Kumar Verma, Advocate
For the Respondent	:	Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.10.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 203 of 2016 registered at P.S. Masturi, Distt. Bilaspur (C.G) for the offence punishable under Section 379/34 of IPC.
2. As per the prosecution case, one Gulshan Raj made a report on 21.05.2016 that his motorcycle bearing Regn.No.C.G.10-N/4893 was stolen when he parked the vehicle in front of Community Health Center, Masturi. Subsequently the said motorcycle was recovered from one Subhash Ghosal and on his memorandum it was revealed that the present applicant and other co-accused have stolen the motorcycle.
3. Learned counsel for the applicant would submit that the recovery has been made from Subhash Ghosal and only on the memorandum of the co-accused, the present applicant has been inculpated. He further submits that there is no direct evidence against the present applicant and no

recovery has been made from him, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Considering the facts and circumstances of the case and the fact that the recovery of stolen motorcycle was made from co-accused Subhash Goshal, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**