

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6022 of 2016

1. Surendra Ram, S/o. Shri Pundev Ram, aged about 25 years, R/o. Rajiv Nagar, Near Ganesh Chowk, Ward No.-28, Chhawani, Police Station – Jamul (wrongly mentioned as Durg in the impugned order dated 30.08.2016), Tahsil & District – Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Jamul, District – Durg (C.G.)

---- Respondent

For Applicant : Mr. Samir Singh, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/10/2016

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.252/2016, registered at Police Station – Jamul, District – Durg (C.G.) for the offence punishable under Section 394/382 and 457 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by Ashutosh Tiwari on 24.04.2016 that in his factory namely Usha Rubber and Mechanical Company, the applicant along with other co-accused entered and while they were taking away iron beam, roads, angles they were intercepted by watchman and others namely Naresh Singh, Visheshwar and Piyush Singh at that time they assaulted them and looted the goods. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has

been falsely implicated in the case and he has not named in the FIR. It is further submitted that neither there has been a identification parade nor the goods which is alleged to have been recovered from the present applicant has been identified. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 28.05.2016, 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, however, he is not able to dispute the fact that the applicant as also the goods have not been identified.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstance of the case, the degree of allegation and the evidence available against the applicant, charge-sheet in this case has been filed and applicant is in jail since 28.05.2016, 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