

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6288 of 2016

1. Ravi Kumar Patle, S/o. Shri Lalji Patle, aged about 26 years, R/o. Village-Lachhanpur, Chawki – Karhibazar, Thana and Tah. - Baloda Bazar-Bhatapara, District – Baloda Bazar (Chhattisgarh)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station in-Charge – Chawki – Karhibazar, Thana and Tahsil – Baloda Bazar – Bhatapara, District – Baloda Bazar (Chhattisgarh).

---- Respondent

For Applicant : Mr. Rakesh Sahu, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/10/2016

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.344/2016, registered at Police Station – Baloda Bazar, Bhatapara, District – Baloda Bazar (C.G.) for the offence punishable under Section 379 read with Section. 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by one Shatrughan Banjare that in between 17-18/02/2016, one water motor pump was stolen from the school for which a report was made in the month of August, 2016. Subsequently on investigation it was found that the applicant along with one another co-accused Rishi Raj have stolen the said pump and the recovery was made from the co-accused, Rishi Raj. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that this applicant has been falsely implicated in this case and no evidence is available against him. It is further submitted that the applicant is in jail since 30.08.2016, therefore, 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. Considering the facts and circumstances of the case, the nature of recovery which is mainly made from the other co-accused, and further considering the fact that the applicant is in jail since 19.07.2016, 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