

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6916 of 2016

1. Mem Prasad Shriwas, aged about 42 years, S/o. Late Bisahu Ram Shriwas, Caste-Nai, R/o. Village-Sakreli Kala, P.S. - Sakti, District – Janjgir-Champa (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : the District – Magistrate, Janjgir-Champa (C.G.)

---- Respondent

For Applicant : Mr. Kamlesh Kumar Pandey, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/11/2016

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.5/2016, registered at Police Station – Sakti, District – Janjgir-Champa (C.G.) for the offence punishable under Section 41 (1+4) of Cr.P.C. and Section 379 , 411/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 22.09.2016, the applicant was arrested with Submersible Pump. It is alleged that the said pump was stolen from some where else as after the applicant was apprehended with pump, no valid documents were produced. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he has purchased the said pump from Kanhaiyalal Patel, and no evidence is available against

the applicant and he is in jail since 22.09.2016, 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.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case and the evidence which is collected by the prosecution against the applicant, the nature of offence and the degree of allegation, 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