

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7196 of 2016

Manohar Yadav, S/o. Arjun Yadav, Aged About 20 Years, R/o. Village-Dadhowa, Police Station & Tahsil- Balrampur, District Balrampur-Ramanujganj, Chhattisgarh (Age of Applicant wrongly mentioned in order dated 19-10-2016).

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Balrampur, District Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.K.Yadav, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22.11.2016

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 in connection with Crime No.116/2016 registered at Police Station- Balrampur, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 379 read with Section 34 of Indian Penal Code.
2. As per the prosecution case, one Pradeep Kumar Sonwani has lodged a report that the Motorcycle bearing No.CG 15 CA 9457 was stolen on 02.09.2016. Subsequently, one Madan Yadav was arrested and on his memorandum it was revealed that the present applicant alongwith Madan Yadav was trying to sell the motorcycle.
3. Learned counsel for the applicant would submit that there is no evidence against the present applicant except the fact that only on the memorandum, he has been inculpated and also no seizure was made against the applicant, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the nature of evidence against the applicant as it is stated by the State counsel also that only on the memorandum, the applicant has been inculpated and no seizure was made from him, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge