

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7241 of 2016

- Abhishek Pathak S/o Mr. Kripa Shankar Pathak, Aged About 19 Years R/o C.H. 381, Housing Board, Kohka, Bhilai, Thana Supela, District Durg, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Chowki Anjora, Police Station Pulgaon, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Achyut Tiwari, Advocate

For Respondent/State : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18-11-2016

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 on 4-8-2016 in connection with Crime No. 367 of 2016, registered at Police Station Chowki – Anjora, Thana Pulgaon, District Durg (CG) for the offence punishable under Sections 392, 395 and 411 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the complainant Shivanand Singh that in the night of 19-7-2016 the applicant along with other co-accused persons was taking out diesel from truck after breaking the lock of truck and having objected on the point of knife diesel was taken away worth Rs.15,000/- and the applicant fled away from the spot.

3. Learned counsel appearing for the applicant would submit that the applicant has not been named in the first information report and only first information report is lodged against Malki Singh and Yogesh. It is further submitted that loot was made at night time and the applicant has not been identified and only on the memorandum of other co-accused the applicant has been arrested. He would further submit that the applicant is a student of Class XII and has no past antecedents, charge-sheet has been filed in this case, the applicant is in jail since 4-8-2016 and no further investigation is necessary, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents which would show that from the present applicant cash Rs.1100/- was recovered.
6. Considering the nature of recovery and the allegations leveled against the applicant and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 4-8-2016, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju