NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7518 of 2016

- Pratap Sahu S/o Seju Ram Sahu Aged About 32 Years R/o Village Chikhali, Chowki Jevara Sirsa, Police Station Pulgaon, District Durg, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Mohan Nagar, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Praveen Dhurandhar, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28-11-2016

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 11-10-2016 in connection with Crime No. 54 of 2016, registered at Police Station Mohan Nagar, District Durg, (CG) for the offence punishable under Section 379 of the IPC.

2. Case of the prosecution, in brief, is that in the intervening night of 7/8-2-2016 the applicant along with other co-accused had committed theft of two tyres of Tractor and two tyres of Truck. Subsequently two tyres along with disk of tractor were recovered from the present applicant and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, though the

seizure is alleged to have been made, but it has not been identified that the same was stolen and the invoice does not reflect the bearing number. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 11-10-2016 and no further investigation is required, 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.

6. Perused the seizure memo and invoice.

7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering seizure memo and Invoice and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 11-10-2016, I am inclined to release the applicant on bail.

8. 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