

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7493 of 2016

- Virendra Rai S/o Salikram Rai Aged About 32 Years (Virendra Kumar Rai Wrongly Mentioned In B.P. No. 1420/2016) , R/o Jarhabhata, Ward No. 12 Kumharpara, Police Station- Civil Line Bilaspur, Civil & Revenue District Bilaspur, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Acting Through Officer-In- Charge, Police Station- Hirri, Civil & Revenue District Bilaspur, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Kripesh G. Kela, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28-11-2016

1. This is third 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 26-8-2016 in connection with Crime No. 159 of 2016, registered at Police Station Hirri, District Bilaspur (CG) for the offence punishable under Sections 379, 411, 414, 34 of the IPC. Earlier first bail application was dismissed on 21-9-2016 with liberty to file afresh after filing of charge-sheet before the trial court and second bail application was dismissed on 21-10-2016 in view of the order dated 21-9-2016 passed in first bail application.
2. Case of the prosecution, in brief, is that three other co-accused namely Gourishankar Raj, Vivek Raj and Prakash Yadav were apprehended in Crime No.127 of 2016 & 128 of 2016. After recording the memorandum statement of Gourishankar, it was revealed that the present applicant has received the stolen Battery

from other co-accused knowing fully-well that it was a stolen article and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant carries on the business of battery charging shop and the allegation which has been attributed to the present applicant is completely false. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 26-8-2016 and no further investigation is required, therefore, he may be released on bail.
4. It appears that the State counsel is not ready with this matter.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Taking into consideration the facts and circumstances of the case, nature of 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 26-8-2016, 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