

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7760 of 2016

- Dilip Kumar S/o Paretan @ Palten Sahu Aged About 30 Years R/o Village- Chikhali, Chowki Jevara Sirsa, Police Station- Pulgaon, District- Durg, Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh Through- District- Magistrate, Durg, District- Durg, Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Praveen Dhurandhar, Advocate.
For the Respondent	:	Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.12.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.54/2016 registered at Police station Mohan Nagar, Distt. Durg (C.G) for the offence punishable under Section 379 of IPC.
2. As per the prosecution case, in the intervening night of 7th/8th of February, 2016 the applicant along-with other accused has committed theft of two tyres of tractor and two tyres of truck alongwith two disks of tractor. Subsequently two tyres of truck along disk were recovered from the applicant and co-accused.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated; though the seizure is alleged to have been made but it has not been identified that the same were stolen and the invoice does not reflect the bearing number. It is also submitted that similarly placed co-accused Pratap Sahu has been enlarged on bail by this Court

in M.Cr.C.No.7518/2016 on 28.11.2016. He would further submit that the charge sheet has been filed; no further investigation is necessary and the applicant is in jail since 11.10.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that the other accused has been enlarged on bail by this Court.
5. Perused the seizure memo and invoice.
6. Taking into consideration the facts and circumstances of the case especially the fact that the person against whom similar allegations were made has been enlarged on bail by this Court in M.Cr.C.No.7518/2016; the charge sheet in this case has been filed and the applicant is in jail since 11.10.2016, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**