

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 8162 of 2016**

- Madan Yadav S/o Ramlakhan, Aged About 21 Years R/o Village Daldhova, Police Station & Tahsil Balrampur, District Balrampur Ramanujganj, Chhattisgarh. --- **Petitioner**

**Versus**

- State of Chhattisgarh Through S.H.O. Blarampur, District Balrampur Ramanujganj, Chhattisgarh. --- **Respondent**

---

|                    |   |                                    |
|--------------------|---|------------------------------------|
| For the applicant  | : | Mr. Sunil Tripathi, Advocate       |
| For the Respondent | : | Mr. Ashutosh Pandey, Panel Lawyer. |

---

**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**21.12.2016**

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. 116/2016 registered at P.S. Balrampur, Distt Balrampur-Ramanujganj (C.G) for the offence punishable under Sections 41 (1-4) of Cr.P.C., and Section 379/34 of IPC.
2. As per the prosecution case, a motorcycle belonged to Pradeep Kumar Sonwani was stolen on 02.09.2016. Subsequently the vehicle was recovered on 05.10.2016 from the present applicant and accused Manohar. Thereafter the complainant came to the police station and after verification of chassis number, he could identify his vehicle and accordingly the FIR was lodged on 15.10.2016.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and in fact he is villager and has purchased the vehicle and certain documents were not given, therefore, the transaction could

not completely take place. He further submits that no FIR was lodged till 15.10.2016 though the vehicle was stolen on 02.09.2016, therefore, the allegations are completely false and the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents. The FIR would show that it was filed on 15.10.2016 wherein it is stated that the vehicle was stolen on 02.09.2016.
6. Considering the totality of the facts and circumstances of the case especially the fact that no plausible explanation has been given for the delay in filing the FIR; the charge sheet has been filed and the applicant is in jail since 19.10.2016, 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 his 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.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI**  
**JUDGE**