

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 5732 OF 2017

Avinash Mishra S/o Pramod Mishra, aged about 24 years, Caste Brahman,
R/o Village Tiklipara (Badgaon), PS Badgaon, Distt. Sundergarh (Odisha).

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Kunkuri,
Distt. Jashpur (CG).

... Respondent

For Applicant	:	Shri JK Saxena, Advocate.
For Respondent-State	:	Shri Gary Mukhopadhyay, Dy. GA.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24/11/2017

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 17.06.2017 in connection with Crime No.21 of 2016 registered at Police Station Kunkuri, Distt. Jashpur for the offence punishable under Section 379 IPC.
2. As per prosecution case, the applicant along with other co-accused persons is said to have confessed their guilt before the Odisha police authorities in respect of commission of the crime for which they have been arrested.
3. Learned Counsel for the applicant submits that it is a case where except for confession statement made before the authorities of Odisha police, there is no piece of evidence available with the prosecution, and therefore he may be enlarged on bail.
4. Opposing the bail application, learned Counsel for the State submits that it is a case where the present applicant was arrested in

connection with same offence in the Odisha State and during interrogation of the said accused, they had made a statement of having committed the offence, and therefore the applicant may not be enlarged on bail.

5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the fact that the stolen vehicle belonging to the complainant Rajesh was not recovered from any of the accused persons, neither is there any proof of the vehicle which was seized from the present applicant by the Odisha police was the same vehicle belonging to the complainant Rajesh. The registration number, the chassis number and engine numbers are not available in the case diary to ascertain the identity of the said vehicle. Moreover, except for the memorandum statement of the present applicant, nothing is available with the prosecution at this juncture for prosecuting the present applicant. Thus, considering the nature of offence and the material brought during the course of investigation, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge