

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7070 of 2017

Mukesh Kumar @ Sunny Rahul S/o Asharam Dahire, Aged About 25 Years R/o Satnam Nagar, Ameri, Police Station Chakarbhatha, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Sirgitti, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Yogeshwar Sharma, Advocate
For State	:	Shri Manish Nigam, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/12/2017

Heard.

1. The applicant has been arrested in connection with Crime No.288 of 2017 registered at Police Station- Sirgitti, District -Bilaspur (C.G.) for alleged commission of offence under Sections 457, 380 IPC.
2. Case of the prosecution, in brief, is that the applicant committed theft of a motorcycle –Activa which was recovered from his possession.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated. The applicant purchased the vehicle from the complainant and there are dispute with regard to payment of balance amount, therefore, the complainant lodged a false report. He would further submit that as the investigation is complete and charge sheet has been filed, at this stage, the applicant may be granted bail.
4. On the other hand, learned counsel for the State, opposing the bail application, submits that the vehicle belonged to the complainant was seized

from the possession of the applicant, therefore, prima facie case is made out against the applicant.

5. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration the nature of allegation, investigation is complete and charge sheet has been filed and that the applicant is not a habitual offender, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge