

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 123 of 2017

Yogesh Yadav, S/o. Suresh Yadav, Aged About 20 Years, R/o. Village Bagai Jhariya, Police Station Bagbahar, Tahsil Paththalgaon, District Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- City Kotwali, Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vivek Kumar Pandey, Advocate

For Respondent : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23/01/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.766/2016 registered at Police Station- City Kotwali Raigarh, District Raigarh (C.G.) for the offence punishable under Section 379 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Vidya Devi made a report on 07.12.2016 that on 06.12.2016 the motorcycle was stolen. Subsequently, the applicant was arrested and from his possession, the motorcycle was recovered.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and only on the basis of suspicion the charges have been clamped. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. The motorcycle which was stolen appears to have been seized from the present applicant. Taking into such fact, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge