

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 102 of 2017

Sanjay Nag S/o Shri Shiv Prasad Nag, aged about 20 Years,
Occupation Student, R/o Village Bagai Jhariya, Police Station
Bagbahar, Tahsil Pathalgaon, District Jashpur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh through Station House Officer, Police Station City
Kotwali, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vivek Ku. Pandey, Advocate

For Respondent/State : Mr. Ashish Shukla, Govt. Advocate

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.11/2016, registered at Police Station – City Kotwali, Raigarh (C.G.) for the offence punishable under Section 41 (1) (4)/379 of Indian Penal Code.
2. As per the prosecution case, one Lavkush Yadav made a report on 25.12.2016 that his motorcycle bearing No. CG 04 KY 0998 was stolen on 18.12.2016. During investigation it was found that the applicant was trying to sell out a motorcycle which was seized from him. Thereafter, it was found that the said motorcycle seized from

the applicant was of complainant Lavkush Yadav.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated. He submits that the charge sheet has been filed and no further investigation is necessary, therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Perused the case diary and the documents.
6. Considering the fact that the recovery of the motorcycle was made from the present applicant which is alleged to have been stolen and also taking into consideration the statement of the witness Shamsheer, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge