

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 272 of 2017

Omprakash Negi S/o Madhura Negi, Aged About 22 Years R/o
Village- Sonabeda, Police Station Farasgaon, Revenue & Civil
District Kondagaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- The Police Station Farasgaon,
District Kondagaon, Chhattisgarh.

---- Respondent

For applicant - Shri P.K. Tulsiyan, Advocate.
For Respondent/State – Ms. Sunita Jain, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

30/01/2017

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.04/04/2016 (Istgasha No.) registered in Police Station Farasgaon District Kondagaon for offence punishable under sections 41 (1 + 4) of Cr.P.C. and 379, 411 of IPC.
2. As per the prosecution case, on 25/10/2016 the applicant was arrested and on his memorandum it was recovered that the applicant has brought Motorcycle from one Devendra Shukla and sold it to Dinesh Sethiya, Chetan Pandey, Thaman Besara and the motorcycle which was seized no document was produced, thereby offence has been committed.
3. Learned counsel for the applicant submits that there is no evidence to the fact to whom motor cycle belongs. He submits that the applicant has been falsely implicated and the allegation of theft even it is not attributed to the applicant, therefore no further investigation is necessary, therefore the applicant may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary and the documents. Considering the facts of this case it is also at present as appears not clear to whom motor cycle belongs and ownership has not been traced. Taking into nature of evidence against the applicant and degree of allegation, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE