

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 551 of 2017

- Subhash Koshle S/o Rajkumar, Aged About 20 Years R/o Village Pendri, Police Station Masturi Bilaspur, District Bilaspur Chhattisgarh
--- **Applicant**

Versus

- State of Chhattisgarh through the Station House Officer Police Station Masturi District Bilaspur Chhattisgarh
--- **Respondent**

For the applicant	:	Mr. Suresh Kumar Verma, Advocate
For the Respondent	:	Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.02.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 203/2016 registered at Police Station Masturi, Distt. Bilaspur (C.G) for the offence punishable under Sections 379/34 of IPC.
2. As per the prosecution case, on 21.05.2016 complainant Gulshan went to Masturi on his motorcycle bearing Regn. No.C.G.10-N/4893 and parked his vehicle at the Hospital and went inside the hospital. When he came back, he found that his motorcycle was stolen. Thereafter the said vehicle was seized from the present applicant thereby the offence has been committed.
3. Learned counsel for the applicant would submit that both the seizure witnesses Sati Patel (P.W.1) Chandan (P.W.2) have been examined and they have not supported the case of prosecution and the seizure of the motorcycle itself has not been proved. He further submits that the charge sheet has

been filed and the applicant is in jail since 21.05.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he is not able to dispute the fact that the seizure witnesses have not supported the case of prosecution.
5. Perused the case diary and documents. Considering the facts and circumstances of the case particularly the fact that the seizure witnesses have denied the case of prosecution; the charge sheet has been filed and the applicant is in jail since 21.05.2016, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**