

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1140 of 2017

- Vikku @ Vikram S/o Gaindlal Rathore Aged About 28 Years R/o, Village Girwar, Police Station Gaurela, District- Bilaspur, Chhattisgrh.

---- Petitioner

Versus

- State of Chhattisgarh Through ; The Police Station Kharora, District - Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K. Patel, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15-03-2017

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 on 31-1-2017 in connection with Crime No. 386 of 2012, registered at Police Station Kharana, District Raipur (CG) for the offence punishable under Sections 136, 139 of the Electricity Act and Section 379, 34 of the IPC.
2. As per prosecution case, a report as made by the Junior Engineer, Electricity Department on 28-12-2012 that in between the period 24 & 25-12-2012, 2400 meters of aluminum wire worth Rs.58,915/- was stolen. Subsequently, other co-accused persons namely Kamlesh and Janak were arrested and on their memorandum statements, present applicant was also inculpated. Subsequently, present applicant was absconding and he surrendered before the court below on 31-1-2017 and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the case is of 2012 and no seizure was made in person from the present applicant and only on the memorandum statements of other co-accused persons, present applicant has been falsely inculpated. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 31-1-2017 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents. Prima facie, it appears that no seizure was made in person from the applicant.
6. Taking into consideration the facts and circumstances of the case and further considering the fact that no seizure was made from the present applicant and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 31-1-2017, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju