

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1420 of 2017

Jeevan Das Mahant, S/o. Shri Amar Das Mahant, Aged About 26 Years, R/o. Village -Kapharmal (Wrongly Mentioned Kapharbhar), Police Chowki- Jobi, Police Station & Tahsil- Kharsiya, District -Raigarh, Chhattisgarh.

----Applicant

Versus

State of Chhattisgarh, Through : The Officer In Charge Of Police Station - Kotwali, Raigarh, District -Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Roop Naik, Advocate
For Respondent/State	: Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/03/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.2/2017, registered at Police Station – Kotwali, Raigarh, District – Raigarh (C.G.) for the offence punishable under Section 41 (1-4) of Cr.P.C./379 of Indian Penal Code.
2. As per the prosecution case, during the patrolling of the police on 03.01.2017, from the possession of the applicant, two motor cycle was seized, which were reported that he was tring to sell the same. Thereafter, the applicant could not produce the documents, consequently he was arrested.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and there is no evidence to the fact that said motor cycles were stolen and only on the memorandum the seizure was earlier made, therefore, no evidence exists against the

applicant. It is further submitted that charge-sheet has been filed and the applicant is in jail since 03.01.2017, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents and the charge-sheet. Considering the facts and circumstances of the case, as appears that no report is on record in the charge-sheet to whom the motor cycle belonged, without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge