

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2634 of 2017**

- Jaivant Masih S/o Yunas Masih Aged About 32 Years R/o Village Ganeshpur, Police Station Simga, District Baloda Bazar Bhatapara, Chhattisgarh.

**---- Applicant
(in jail)****Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Tarbahar, Bilaspur, District-Bilaspur, Chhattisgarh.

---- Respondent

 For the Applicant : Shri G.V. Kutuma Rao, Advocate.

For the Respondent/State : Shri Neeraj Jain, Govt. Advocate.

Hon'ble the Vacation Judge**Order on board****29/05/2017**

1. The applicant has filed this application under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with Crime No.87/2014, registered at Police Station-Tarbahar, Bilaspur, District-Bilaspur (C.G.), for the offence punishable under Section 379 of Indian Penal Code(for short 'IPC') on 10.8.2016.
2. I have heard learned counsel for the parties and perused the case diary.
3. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated in the crime in question and he is in custody from 10.08.2016. Charge-sheet has been submitted before the Court below. After completion of investigation, his bail applications have been rejected by the Court below.
4. Complainant Rohit Kumar lodged a report on 10.4.2014 that one motorcycle bearing Registration No.C.G.-13-SA-1217 has been stolen from his possession on 1.4.2014. On the basis of which FIR was lodged and during investigation, the stolen motorcycle has been recovered from the possession of applicant is being prosecuted for offence under Section 379 of IPC which is punishable with

sentence upto 3 years. Hence, applicant is entitled for bail.

5. On the other hand, learned State counsel opposes the bail application.
6. Considering the period of detention of the applicant, fact that he has no criminal antecedent and further considering the fact that disposal of trial will take some time, I am of the view that present is a fit case to enlarge the applicant on regular bail. Accordingly, bail application is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety in the like amount to the satisfaction of the Court below concerned for his regular appearance before it, as & when directed.
7. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Vacation Judge

Nisha