

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2874 of 2017**

Kishan Kumar Rajput S/o Shri Kunj Ram Rajput, Aged About 22 Years
R/o Village Vicharpur, Police Station Lormi, District Mungeli
Chhattisgarh Present Address New Kailash Puri, Behind Vivekananda
School, Police Station Tikrapara, District Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Golbazar, District Raipur
Chhattisgarh.

---- Respondent

For the Applicant : Shri Prasoon Agrawal, Advocate.
For the Respondent/State : Shri Sumit Jhanwar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.11.2017**

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.157 of 2014, registered at Police Station – Golbazar, District – Raipur, Chhattisgarh for the offence punishable under Section 379 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 21.02.2017 and he has been falsely implicated in this case. The FIR was lodged on 5.6.2014 against unknown persons regarding theft of a scooter and the cash which was kept in the dikky of the scooter. The seizure of the scooter was made on 21.2.2017 from the applicant since then the applicant is under detention. It is submitted that the maximum sentence for

the offence under Section 379 of the IPC is 3 years and the applicant is in jail since last 10 months. The trial of the case is likely to take some time for its final disposal. He is a local resident of District Raipur and he is ready to abide by all the conditions that may be imposed on him. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant has clearly admitted the commission of offence in the memorandum statement. Hence, for this reason, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The recovery of the articles of theft has been made after passing of more than 2 ½ years. Presumption in such conditions goes that the holder of the property either thief or receiver of the stolen property. Considering the submissions made and the contents of the case diary and looking to the fact that the applicant is in jail since 21.2.2017, the case is triable by the Judicial Magistrate First Class and the conclusion of the trial is likely to take some time for its final disposal, I am of the considered opinion that the applicant deserves to be released on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the applicant shall be released on bail on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge