

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3440 of 2017

- Sanjay Jaiswal S/o Naradmuni Jaiswal Aged About 30 Years R/o Chervari, Police Station Kond, District- Sonbhadra, Uttar Pradesh, Presently R/o Paanbabar, Thana & Tahsil- Farshababar, District- Jashpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, District Jashpur, Chhattisgarh, Police Station, Farshababar, District- Jashpur, Chhattisgarh.

-----Respondent

For Applicant : Shri Manoj Jaiswal, Advocate.

For Respondent : Shri Satish Gupta, Govt. Advocate for the State.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

On 13.06.2017.

This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.01/2017 registered at Police Station Farshbahar, Distt. Jashpur for the offence punishable under Sections 41(1)(4) of Code of Criminal Procedure, and under Sections 379, 34 of the Indian Penal Code.

2. Case of the prosecution, in brief, is that on the basis of secret information the police has found the applicant to be in possession of tiles powder in a truck bearing registration No.CG 04 JD 9284 . On an enquiry, the present applicant was not in a position to give satisfactory explanation so far as the purchase of the said powder or from where it was procured, therefore, a proceeding under Section 41(1)(4) of Cr.P.C. and Section 379/34 of IPC has been registered.

3. Learned counsel for the applicant submits that the applicant is in

detention since 24.4.2017. He further submits that applicant has no criminal background and has been falsely implicated in the case, and therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.

5. I have heard the counsel appearing for the parties.

6. Taking into consideration the nature of offence and also considering the fact that the applicant is in detention since 24.4.2017, this Court is of the opinion that present is the 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 the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with two solvent sureties in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge