

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4245 of 2017**

Omprakash Nishad S/o Shri Sahasram Nishad, Aged About 18 Years
Occupation Labourer, R/o Village Turekela, Police Station & Tahsil
Kharsiya, District Raigarh, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Kharsiya, District Raigarh, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Manish Upadhyay, Advocate.
For the Respondent/State	:	Shri U.K.S. Chandel, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.11.2017**

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.149 of 2017, registered at Police Station – Kharsiya, District – Raigarh, Chhattisgarh for the offence punishable under Sections 392 and 342 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 13.4.2017 and the applicant has been falsely implicated in this case. The recovery of the alleged motorcycle in this case has not been found in exclusive possession of the applicant. Hence, it is prayed that the applicant may be benefited with grant of 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 incident of loot has taken place and the article of loot, the motorcycle, was seized at the instance of the applicant. Hence, it is prayed that the applicant is not entitled for grant of bail.

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

5. Considering the submissions made and the contents of the case diary and the fact that the applicant is only 18 years of age and further that the charge-sheet has been filed and the trial of the case is likely to take some time for its final disposal, the applicant be enlarged on 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 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