

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4749 of 2017

Pawan Yadu, S/o. Shri Sitaram Yadu, Aged About 26 Years, R/o. Village Jamghat, Police Station Berla, District Bemetara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Dharsiwa, Revenue & Civil District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent : Mr. S.R.J.Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23.11.2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.4/2017 registered at Police Station- Dharsiwa, District Raipur (C.G.) for the offence punishable under Section 457, 511, 417, 419, 467, 468, 471, 120B of I.P.C.
2. As per the prosecution case, in between 4 & 5th January, 2017, the applicant alongwith other co-accused tried to commit theft in the S.B.I. Dharsiwa and when the siren alarm rang, they fled away. Subsequently, on investigation, on the memorandum statement of Pramod Agrawal & Omprakash, it revealed that the present applicant alongwith other had purchased different goods which were being left on the spot for committing such tress-pass and house-breaking.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated, there is no evidence in this regard to show

that the applicant has committed the offence and he is only the resident of the village; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of Pramod Agrawal & Omprakash wherein they have stated that the goods which were left in the spot were purchased by the applicant and others, which were used to commit tress-pass and house-breaking. Considering the same, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge