

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5650 of 2017

Fitruddin S/o Shri Abdul Salam Aged About 32 Years R/o Village- Kadamtuli, P.O.- Baliya, Nawabganj, Near Mosque, Malda (Old), West Bengal Present Address- Ratanpur, District-Bilaspur, Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh Through Sho, P.S.- Ratanpur, District-Bilaspur, Chhattisgarh

---- Respondent

For the Petitioner : Shri Achyut Tiwari,
Advocate.

For the Respondent/State : Shri N. K. Mehta, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24.10.2017

1. Heard on application under Section 439 of Cr.P.C.
2. 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.145/2017 registered at Police Station - Ratanpur, District- Bilaspur, Chhattisgarh for the offences punishable under Section 379, 34 of IPC & Section 136,137 of Electricity Act,2003.
3. It is submitted that applicant has been falsely implicated, he had been working as a supervisor in

Power Grid Corporation of India Limited and had been in-charge of the assignment in which under his supervision the electric wire was laid down in Bilaspur. It was he who noticed theft of the electric wire of worth Rs. 6.51.431 /- and informed his supervisor. FIR was lodged against the unknown person. Applicant has been solely implicated on the basis of memorandum statement, there is no other direct evidence of any of the witnesses in this case. The case has been investigated and charge-sheet has been filed. Therefore, it is prayed that the applicant may be enlarged on bail.

4. Learned counsel for the State opposes the application and the submission made in this respect and submits that the applicant himself has given statement under Section 27 of the Evidence Act, that it was at his behest that theft took-place and he has received some amount in return. At his instance some amount has also been seized from his possession, hence, he is not entitled to be enlarged on bail.
5. I have heard the learned counsel for the parties and perused all the documents placed on record and the case diary.
6. Considering the submissions and contents of the case diary and looking to the evidence that is proposed against the applicant, it appears to be a fit case, in which the applicant should be enlarged on bail.
7. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on bail on his furnishing personal bond for a sum of Rs. 25,000/- with one surety in the like sum to the

satisfaction of concerned trial court for his
appearance as and when directed.

8. C.C. as per rules.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

Jamal