

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6428 of 2017

- Ritesh Narang S/o Virendra Narang, Aged About 23 Years, Resident of Village Sakeri, Police Station Pathariya and District Mungeli Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through its Police Station Chhawani Bhilai Civil & Revenue District Durg Chhattisgarh.

---- Non-applicant

For Applicant – Shri Ravi Maheshwari, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-11-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant was arrested on 12-08-2017 in connection with Crime No.12/2017 registered at P.S. Chhawani Bhilai, District Durg C.G. for the offence under Section 379, 411, 34 of the IPC and Section 41 (1+4) of the Cr.P.C.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. At the most he can be held responsible for commission of offence under Section 411 of the IPC only. The applicant is engaged in the work of repairing motorcycles. The applicant is in jail since 12-08-2017. No purpose would be served if the applicant is kept in detention continuously till conclusion of the trial. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the

application and submission made. It is submitted that offence committed by the applicant is of grievous in nature, because of which he is not entitled for grant of bail. Hence, the application filed by the applicant for grant of regular bail may be dismissed.

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

5. Facts of the case are these that on the basis of information received police personnel of P.S. Chhawani Bhilai raided the spot where the applicant was found in possession of the motorcycle. The applicant gave statement on memorandum confessing about the offence that was committed by him. Thereafter, the offence was registered and the applicant was sent in detention.

6. Considered the submissions and the facts of the case. According to the case diary there are three other similar cases registered against the applicant in various police stations, but there is no any report of conviction against the applicant. The value of the stolen property in the present case is Rs.30,000/- that was seized from the possession of the applicant, but no person has come-forward to claim the same. Hence, under these circumstances, it appears that the applicant is entitled for grant of regular bail.

7. Consequently, the application (MCRC No.6428/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil