

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6437 of 2017

- Yugal Kishore @ Pappu S/o Prem Lal Sahu, Aged About 26 Years, R/o Chaidalkodo, Police Station Gaindatola, Tahsil Chhuriya, District Rajnandgaon, Chhattisgarh. At Present R/o Morid Khurd, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kurud, District Dhamtari, Chhattisgarh.

---- Non-applicant

For Applicant – Ms. Shivali Dubey, Advocate on behalf of Mr. Shailendra Dubey, Advocate.

For Non-applicant/State – Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-12-2017

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 15-06-2017 in connection with Crime No.220/2017 registered at P.S. Kurud, District - Dhamtari, C.G. for the offence under Section 379, 411 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the prosecution documents. Co-accused in this case has already been granted bail by the trial Court. Hence, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that during the investigation articles have been recovered from the applicant on the

basis of the memorandum statement given by him. Hence, the applicant is not entitled for grant of bail.

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

5. Facts of the case are these that the applicant was employed by Arkons Infrastructure Private Limited to look after the construction material stored on the site of construction. The FIR was lodged that on 14-06-2017, centring plates, rods etc. of approximate value of Rs.80,000/- were stolen by unknown persons. Later on, on the basis of memorandum statement given by the applicant some of the articles have been recovered. Charge sheet has been filed after completion of the investigation.

6. Taking into consideration the facts that the case is triable by JMFC, the applicant is resident of the locality within jurisdiction of Rajnandgaon District, trial may take some time, no purpose would be served if the applicant is kept in detention till conclusion of the trial, this Court is of the considered view that the application for grant of bail filed by the applicant deserves to be allowed.

7. Consequently, the application (MCRC No.6437/2017) 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