

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7462 of 2017**

Banti Kumar S/o Niranjan Prasad, Aged About 24 Years Occupation Labour, R/o Village Govindpur, Fatuwa (Patna), Police Station Fatuwa, District Patna, Bihar.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sunil Tripathi, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.12.2017**

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. 840 of 2016, registered at Police Station Ambikapur, District Surguja, Chhattisgarh for the offence punishable under Sections 457, 380 and 411/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. On the basis of the material in the charge-sheet, no offence is made out against the applicant even though he is being prosecuted under Section 411 of the IPC. Hence, it is prayed that the applicant be enlarged on 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 applicant had been instrumental in disposing off the stolen property which was received from co-accused - Suresh Aarle and the offence has been committed with common intention. Hence, 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 and the contents of the case-diary and as per the memorandum statement the applicant received some gold and some articles which were stolen and helped the co-accused in disposing them, and also taking into consideration, the co-accused who are being prosecuted under Section 411 of the IPC in the same case had been benefited with grant of bail and the case of the applicant is similar, hence, this application deserves to be allowed.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. 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

Nimmi