

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7515 of 2017

- Ashok Bala S/o Anil Bala, Aged About 47 Years R/o P. V. No. 1, Ram Nagar, Tahsil Pankhajur, District North Bastar, Kanker Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bhanupratappur, District North Bastar Kanker, Chhattisgarh

---- Non-applicant

For Applicant : Mr. P.P. Sahu, Advocate.

For Non-applicant : Mr. U.N.S. Deo, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

15.12.2017

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the charge-sheet provided by the learned counsel for the State in connection with crime No. 129/2017 registered at Police Station - Bhanupratappur District – North Bastar Kanker (C.G.) for the offence punishable under Sections 380/34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 11.08.2017 in village Tudge near about 2 am the applicant and two other co-accused had stolen two buffaloes of the complainant Kamlesh Patel and were taking away towards village Durgukondal. The applicant was caught from the pick-up van where he was hiding himself.
4. The charge-sheet has already been filed and the matter is

pending before the Judicial Magistrate First Class, Bhanupratappur. The applicant is in custody since 13.08.2017.

5. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. One co-accused Rakhal Vyapari has been enlarged on bail on 27.11.2017 by the Coordinate Bench of this Court in MCRC No. 6187 of 2017. The case of the applicant is not different from the co-accused Rakhal Vyapari.
8. Looking to these circumstances and other facts of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C., is allowed.
10. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.15,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE