

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8396 of 2016

1. Vishal Prajapati, S/o. Dilip Prajapati, aged about 19 years, R/o. Camp-2, Vivekanand Colony, Power House Bhilai, Tahsil and District – Durg (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the District Magistrate, Durg, District – Durg (C.G.)

---- Respondent

For Applicant	:	Mr. Avinash Chand Sahu, Advocate
For Respondent/State	:	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/01/2017

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.596/2016, registered at Police Station – Bhilai Nagar, District – Durg (C.G.) for the offence punishable under Section 379, 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 19.10.2016, a motor cycle bearing No.C.G.-03-3882 was stolen which belonged to Constable-Ashish Singh. Subsequently, one Prem Nayar has been arrested and on his memorandum, the said motor cycle was recovered and on memorandum it came to notice that the present applicant was also involved in commission of crime.
3. Learned counsel for the applicant would submit that only on the memorandum of the other co-accused, the motor cycle has been

seized and the applicant has been falsely implicated in this case and no seizure of goods were made from the present applicant. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 07.11.2016, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the case diary and the documents. Perusal of the documents it appears that on the memorandum of the other co-accused, the applicant has been arrested and no seizure has been made from the present applicant. Considering the facts and circumstances of the case and the fact that charge-sheet in this case has been filed and the applicant is in jail since 07.11.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge