

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8591 of 2016

- Malkit Singh S/o Karnail Singh, Aged About 25 Years R/o Kohka
Purani Basti, Ward No.7 Police Station Supela Bhilai Tehsil And
District Durg Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through The District Magistrate, Durg
Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Avinash Sahu, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.01.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 367 of 2016 registered at Police station Pulgaon, Distt. Durg (C.G) for the offence punishable under Sections 392, 395 & 411/34 of IPC.
2. As per the prosecution case, a report was made by the complainant Shivanand singh that in the night of 19.07.2016 the applicant along with other accused persons was taking out diesel from a truck after breaking the lock and having objected, on the point of knife diesel worth Rs.15,000/- was taken away away.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and only cash of Rs.2100/- is alleged to have been recovered from the applicant. He further submits that similarly placed co-accused Abhishek Pathak and Yogesh Kumar Verma have been enlarged on bail by this Court in M.Cr.C.No.7241/2016

& M.Cr.C.No.7358 of 2016, therefore, the present applicant may also be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that similarly placed co-accused have been enlarged on bail by this Court.
5. A perusal of the case diary documents would show that only Rs.2100/- was recovered from the applicant.
6. Considering the nature of recovery and degree of allegations levelled against the applicant as also the fact that the charge sheet has been filed and the applicant is in jail since 04.08.2016 and further considering the fact that similarly placed co-accused have been enlarged on bail by this Court, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE