

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8502 of 2016

Shyam Lal Binjhawar, S/o. Dhwajaram, Aged About 50 Years, Caste – Binjhawar, R/o. Village - Kesla, Out Post Hardibazar, District Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station - Dipka, District Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent : Mr. U.K.S.Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/02/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.160/2016 registered at Police Station- Dipka, District Korba (C.G.) for the offence punishable under Section 447, 379, 34 of the Indian Penal Code and 3, 7 of E.C. Act.
2. As per the prosecution case, on 19.11.2016, a report was made by R.S.Singh that two Bolero vehicles were parked where-from the applicant alongwith others were taking away the diesel and 60 liters diesel were stolen.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and he was not apprehended on the spot and false allegations have been attributed. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts & circumstances of the case, degree of allegation and the fact that the charge sheet has been filed and the applicant is in jail since 19.11.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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/-
(Goutam Bhaduri)
Judge