

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8612 of 2016

Kishan Nayak, S/o. Bhikham Nayak, aged about 27 years, R/o. Near Sentury Garden, Baniya Para Dhamtari, Police Station – Kotwali, District – Dhamtari (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Police Station – R.P.F. Post, Raipur, District – Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. Vimlesh Bajpai, Advocate
For Respondent	:	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

11/01/2017

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.16/2016, registered at Police Station- R.P.F. Post, Raipur, District – Raipur (C.G.) for the offence punishable under Section 3 (A) of Railway Property (Unlawful Possession) Act.
2. Case of the prosecution in brief is that in the intervening night of 18th & 19th September, 2016, the applicant along with other accused Purna Chand Naik and Satish Kumar Gautam have misappropriated and taken away Rs.1,76,436 from the Almirah of Railway Office of Dhamtari Station. Subsequently, on investigation it was revealed that the applicant along with other accused have committed the offence.
3. Learned counsel for the applicant submits that similarly placed co-accused has been enlarged on bail on 03.01.2017 in M.Cr.C. No.8414/2016, therefore, the counsel prays that the applicant may also be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that similarly placed co-accused has been enlarged on bail.
5. Considering the facts and circumstances of the case and also for the fact that similarly placed co-accused has been enlarged on bail on 03.01.2017 in M.Cr.C. No.8414/2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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 his 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge