

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8676 of 2016

Brijbhushan Ureti, S/o. Samaylal Ureti, aged about 45 years, Caste-Gond, R/o. Village-Sondhkala, Out Post Belgahna, Police Station & Tahsil – Kota, Civil and Revenue District – Bilaspur (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : District Magistrate/Station House Officer, Out Post- Belgahna, Police Station – Kota, District – Bilaspur (C.G.)

---- Respondent

For Applicant	:	Mr. Dharmesh Shrivastava, Advocate
For Respondent	:	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

16/01/2017

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.252/2016, registered at Police Station- Kota, Out Post – Belgahna, District – Bilaspur (C.G.) for the offence punishable under Section 457, 380, 34 of Indian Penal Code.
2. Case of the prosecution in brief is that one Shitala Prasad Tripathi lodged a report that on 07.12.2016 from his courtyard, 20 bags of paddy was stolen. Subsequently, the applicant was trying to sale the same paddy and on the memorandum of the other co-accused, it was found that the applicant along with other co-accused has committed theft. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the paddy were stolen from the courtyard and there is no evidence is available against the applicant and only on the basis of memorandum statement, the applicant has

been inculpated. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 07.12.2016, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard the learned counsel for the parties.
6. Perused the case diary and the documents. Charge-sheet in this case has been filed. Considering the facts and circumstances of the case, the nature of evidence available and the fact that the applicant is in jail since 07.12.2016, 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 Cr.P.C. is allowed.
8. 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge