

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 556 of 2017

- Subhash Koshle S/o Rajkumar, Aged About 20 Years R/o Village
Pendri, Police Station Masturi Bilaspur District Bilaspur Chhattisgarh
---- **Petitioner**

Versus

- State of Chhattisgarh through the Station House Officer Police Station
Masturi District Bilaspur Chhattisgarh
--- **Respondent**

For the applicant	:	Mr. Suresh Kumar Verma, Advocate
For the Respondent	:	Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.02.2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 128/2016 registered at Police Station Masturi, Distt. Bilaspur (C.G) for the offence punishable under Sections 379, 411/34 of IPC.
2. As per the prosecution case, on 19.03.2016 complainant Vijay Kumar Lahre went to see Malhar exhibition on his Motorcycle No.C.G.11-CF/3066 and he parked his vehicle at a rice-mill and it was locked. When he came back from *Mela*, the said motor vehicle was found stolen. It is alleged that thereafter the motorcycle was sold to one Ajay Kurre from from the vehicle was seized.
3. Learned counsel for the applicant would submit that this is second bail application and the earlier one was dismissed as withdrawn with liberty to repeat the same after examination of the seizure witnesses. He further submits that now the the seizure witnesses namely Chand (P.W.2) and Sati Ram Patel

(P.W.3) have been examined and they have not supported the case of prosecution therefore the seizure of the motorcycle itself has not been proved. He further submits that the charge sheet has been filed and the applicant is in jail since 23.05.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he is not able to dispute the fact that the seizure witnesses have not supported the case of prosecution.
5. Perused the case diary and documents. Considering the facts and circumstances of the case particularly the fact that the seizure witnesses have denied the case of prosecution; the charge sheet has been filed and the applicant is in jail since 23.05.2016, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his 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**