

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 520 of 2018**

Shankhdhar Gupta S/o S/o Shri Lalai Prasad Gupta, Aged About 38 Years R/o Q/no. 374 Dha, Chunchuni Main Road Gevra Basti P. S. Kusmunda Tahsil Kathghora District Korba Chhattisgarh, District : Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer Police Chowki Cseb P. S. Kotwali Korba District Korba Chhattisgarh, District : Korba, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sandeep Dubey, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.01.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.661 of 2017, registered at Police Station – Chowki- CSEB, Kotwali, Korba, District – Korba, Chhattisgarh for the offence punishable under Sections 379, 413 and 201/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 28.11.2017 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The applicant is a local resident of District Korba

and he is ready to abide by all the conditions that may be imposed on him. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant himself has confessed in his memorandum statement before the police about the offence committed. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. FIR was lodged by complainant – Balram, the owner of the trailer bearing registration No. C.G./12/A.R./5117 that his trailer has been stolen. During investigation, the said trailer has been recovered and seized from the possession of the applicant.

6. Considering on the submissions and the contents of the case-diary in support of the alleged commission of offence under Section 413 of the Cr.P.C., and the fact that no criminal record of this applicant had been produced by the State counsel; the case is triable by the Judicial Magistrate First Class and the conclusion of the trial is likely to take some time for its final disposal, I am of the considered opinion that the applicant deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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/-

(Rajendra Chandra Singh Samant)
Judge