

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 944 of 2018

- Pawan Agrawal S/o Late Vishweshwar, Caste Agrawal, Aged About 49 Years R/o Village Mayapur, P.S. & Tahsil Pratapur, District Surajpur Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh Through Police Station Pratappur District Surajpur Chhattisgarh. **---- Non-applicant**

For Applicant	: Mr. Sanjay Agrawal, Advocate
	and Ms.Sharmila Singhai
For Respondent/State	: Mr. Vinod Tekam. Panel Lawyer

Hon'ble Shri Rajendra Chandra Singh Samant

Order On Board

07/02/2018

1. Heard the matter finally.
2. 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. 238/2017, 21.12.2017 registered at Police Station – Pratappur, District - Surajpur (C.G.), for the offence punishable under Sections 457, 380, 413, 34 of the Indian Penal Code.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and alleged to be a receiver of stolen property. It is submitted that he was in the work of transportation and assisted in the work of transporting said

batteries by the co-accused persons from Surguja, because of which the alleged stolen property was found in godown of this applicant. The applicant has been falsely implicated on the basis of memorandum statement of the co-accused persons and on the basis of the same memorandum, a crime was registered at P.S. Baikunthpur, regarding which the application for bail MCRC 8112/2017 has been decided by this Court vide order dated 10.01.2018 and the applicant has been released on bail. Hence, the applicant may be enlarged on bail in the present matter.

4. Learned State counsel opposes the bail application and the submission made in this respect. It is submitted that there is clear and categorical statements of the witnesses against the applicant, hence, he is not entitled for grant of bail.
5. Heard counsel for the party and perused the case diary.
6. The complainant Nilesh Kumar Gupta as a representative of Idea Network lodged F.I.R that 24 number of batteries and one number of D.G Battery has been stolen from the tower of the said network. On the basis of the memorandum of co-accused Furkhan Malik some property has been recovered and seized from this applicant.
7. Considering the material against the applicant and the facts that in a similar case the applicant has been granted bail by this Court in MCRC 8112/2017, applicant is local resident and his appearance before the trial Court can be ensured by imposing conditions, charge-sheet has been filed, this Court is of the view that the applicant should be granted regular bail in the present matter.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.

9. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs. 25,000/- with on surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge