

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7327 of 2017**

Vinit Patel, S/o. Suryabhan (wrongly stated as Surbhan) Patel, Aged About 25 Years, R/o. House No. 321, RDA Colony, Boriyakhurd, P.S. -Tikrapara, Raipur, District -Raipur, Chhattisgarh, Mobile No. 9826126258

---- Applicant

Versus

The State of Chhattisgarh, Through : Police Station -Telibandha, District Raipur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Rishikant Mahobia, Advocate
For Respondent/State	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**12/01/2018**

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.407/2017, registered at Police Station – Telibandha, District – Raipur (C.G.) for the offence punishable under Section 379, 34 of Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against him on the basis of the material collected by the prosecution against him. It is submitted that charge-sheet has been filed and the applicant is in jail since 21.10.2017, therefore, it is prayed that he may be released on regular bail.
3. On the other hand, learned counsel for the State opposes the bail

application and the submissions made in this respect.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. The complainant – Hemendra Kurre lodged a FIR alleging that one JCB machine bearing registration No.C.G.04/L/3988 worth Rs.14,00,000/- was stolen from his possession on 06.10.2017 by some unknown persons. During the investigation, the stolen JCB was recovered at the instance of the applicant from the place of which he informed. Thereafter, the case was registered against him.
6. Considered on the submissions made and the contents of the case diary. Considering the facts and circumstances of the case and further considering the fact that the applicant is local resident of District – Raipur, charge-sheet in this case has been filed and the applicant is in jail since 21.10.2017 and the detention of the applicant till the completion of trial shall not be necessary, 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge