

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8080 of 2017

- Laxminarayan Singh S/o Amar Singh, Aged About 33 Years R/o Jali, P. S. Ratanpur, District Bilaspur Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Station Deepka District Korba Chhattisgarh , Chhattisgarh

---- Respondent

For Applicant : Mr. Neeraj Pradhan, Advocate.
For Respondent/State : Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/02/2018

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. 119/2016, registered at Police Station- Deepka, District – Korba(C.G.) for the offence punishable under Sections 447, 379/34 of the Indian Penal Code (for short 'IPC') and Section 3-7 of the Essential Commodities Act.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. The alleged offence of theft has taken place on 24.9.2016, whereas the applicant was apprehended on 2.12.2017 and no recovery has been made from him, even then he has been implicated in this case. Applicant has no criminal antecedents. Applicant is in jail since 2.12.2107 and he is willing to

abide by all the conditions and directions, which may be imposed on him while granting bail. Hence, it is prayed that applicant be benefited with grant of regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. The FIR was lodged that on 24.9.2016, 300 litres diesel was being transported by this applicant in this vehicle bearing Registration No.CG-05E-0771. The said kerosene oil is the subject of theft and the FIR was lodged against this applicant for offence of theft. Applicant was apprehended on 2.12.2107. After completion of investigation, charge-sheet has been filed against him,
6. Considered.
7. Looking to the nature of the case and that it is triable by JMFC. Further applicant is resident of District -Bilaspur whose availability before the trial Court shall not be compromised if he is enlarged on bail, I am of this view that this is a fit case where applicant should be benefited with grant of bail.
8. Accordingly, the first bail application filed under Section 439 of Cr.P.C. is allowed. 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 their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

