

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3044 of 2018**

Narendra Kumar Nishad S/o Ramprasad Nishad @ Pahalwan Aged About 25 Years Caste Nishad, R/o Village Bhavnapur, P.S. Kishanpur, Tahsil Khaga, District Fatehpur, Uttar Pradesh, District : Fatehpur, Uttar Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Raghunathnagar, District Balrampur Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Jitendra Shrivastava, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****19.06.2018**

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. 93 of 2017, registered at Police Station Raghunathnagar, District Balrampur-Ramanujganj, Chhattisgarh for the offence punishable under Sections 379, 395 and 412 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 4.1.2018 and has been falsely implicated in this case only on the basis of the memorandum statement given by the co-accused persons. Apart from that there is no evidence against the applicant. Similarly placed co-accused

persons – Shriram Saini and Ratan Lal have been granted bail by the Co-ordinate Bench of this Court in M.Cr.C. No. 3002 of 2018, vide order dated 28.05.2018. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. 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.

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

5. FIR was lodged by Pramod Kumar Pandey, Deputy Manager of KPTL alleging that from the site of the Company situated in village Pandri some containers, drums, wires and other articles worth Rs.20,44,980/- were stolen by some unknown persons. During investigation, the name of this applicant has appeared in the memorandum statement of the co-accused persons. There is no other evidence in this case and apart from that and no TIP has been conducted of this applicant.

6. After due consideration and looking to the fact that the trial against the applicant 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