

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7269 of 2017**

Ajeet Goyal, S/o. Amardas Goyal, Aged About 24 Years, R/o. Atariya, Out Post, Khandsara, Police Station - Bemetara, Civil and Revenue District Bemetara, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Out Post- Maro, Police Station - Nandghat, District - Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent/State : Mr. Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**03/01/2018**

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.214/2017, registered at Police Station – Nandghat, Out Post - Maro, District – Bemetara (C.G.) for the offence punishable under Section 457, 380, 411 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant had been bonafide purchaser of the property seized from his possession.

Applicant is in jail since 04.09.2017, trial of the case is likely to take some time, applicant is abide by all the conditions imposed, hence, prayed that the applicant be enlarged on regular 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 applicant has a criminal history having cases registered against him for the offence of theft and house tress-pass, hence, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Brief facts of the case is that the complainant Kartik Ram Baghel lodged a FIR that the motor cycle number C.G.04-HS-7469 was stolen from his possession by some unknown thief. During the investigation, the said motor cycle has been recovered from the applicant on the basis of the memorandum of the co-accused.
6. Considered on the submissions made and the contents of the case diary. Looking to the nature of this case and particularly, the case is triable by Judicial Magistrate First Class, after filing of charge-sheet no purpose would be served if the applicant is kept in detention till the conclusion of trial, 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

Balram