

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4395 of 2018

Paritosh Pal, S/o. Late Shankarpal, Aged About 45 Years, R/o- Shikari Road, Ambikapur, P.S. And Tahsil- Ambikapur, District- Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Police Station Ambikapur, District- Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sunil Tripathi, Advocate

For Respondent : Mr. Ashish Shukla, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04.07.2018

1. 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.114/2018 (wrongly mentioned as 669/2018) registered at Police Station- Ambikapur, District Sarguja (C.G.) for the offence punishable under Section 379, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the Bolero vehicle bearing No. C.G.15 B-4630 was stolen which belonged to Durga Prasad on 20.02.2018. Subsequently, while investigation, it is found that the present applicant alongwith Chandrashekhar has committed theft of two Bolero vehicle one is bearing No.C.G.15 B 4630 and another bearing No.C.G.15 CL 5880 and took them away to Bihar.
3. Learned counsel for the applicant submits that from the present applicant except the recovery of amount, no seizure of vehicle was made. The seizure of vehicle was made at the instance of Chandrashekhar, therefore, only on the basis of memorandum the present applicant has been inculpated and virtually no evidence

exists against him. He further submits that the charge sheet has been filed and the applicant is in jail since 28.02.2018, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary. The memorandum statement shows that at the instance of this applicant the seizure of cash was made. Taking into fact that the charge sheet has been filed and nature of recovery made and further considering the fact that the applicant is in jail since 28.02.2018, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on 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 his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge