

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4839 of 2018**

Niaz Ahamad, S/o. Shri Shamsuddin, Aged About 36 Years, R/o. Village Jhalmala, Tahna -Seepat Civil And Revenue Distt. Bilaspur Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh, Through : The Station House Officer, Police Station -Khamtarai, District- Raipur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sumit Shrivastava, Advocate
For Respondent	:	Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****31/07/2018**

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.332/2016, registered at Police Station- Khamtarai, District – Raipur (C.G.) for the offence punishable under Section 379, 411/34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 25.06.2017. No case is made out against him. Similarly placed co-accused person namely Sarkar Ali has been enlarged on bail by this Court. Hence, it is prayed that the applicant may also be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that this applicant has criminal antecedents, hence, he should not be released on bail.

4. In reply, counsel for the applicant submits that the other cases have been registered against the applicant on the basis of the same memorandum statement.
5. I have heard the learned counsel for the parties and perused the documents placed on record.
6. The allegation against this applicant and the co-accused person is this that both of them administered some intoxicated substance with liquor to the complainant Shiv Prasad Chandravanshi and have stolen his truck bearing registration No.C.G.-15-AC-4784. Later on the truck has been recovered at the instance of the applicant and the co-accused person.
7. Considered the submissions made and the contents of the case diary. Considering this fact that the applicant is similarly placed to the co-accused Sarkar Ali, charge-sheet has been filed and the applicant is local resident of District -Bilaspur, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
9. 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 his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge