

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5112 of 2018

Jagnandan Kumar Rajak S/o Late Darshan Rajak Aged About 63 Years
Permanent R/o Village Terhra, Police Station Marandpur, District Kosambi,
Uttar Pradesh Current R/o Village Sankra, Police Station Somani, District
Rajnandgaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Somani, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Aditi Singhvi, Advocate
For Respondent	:	Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/08/2018

1. This is the first bail applications 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.41/2018, registered at Police Station- Somani, District – Rajnandgaon (C.G.) for the offence punishable under 379 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 23.04.2018. No case is made out against him according to the material present in the charge-sheet. The applicant was simply engaged as a guard of Taj Scrap yard in Rajnandgaon and has no connection with the offence committed in this case. Hence, it is prayed that the applicant may 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.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The police personnel of Police Station – Somani conducted raid in the scrap yard of Nadim Khan and made a recovery and seizure of some stolen scrap articles. Applicant, who was present on the spot could not produce any document authorizing the possession of the articles seized. Hence, this case.
6. Considered the submissions made and the contents of the case diary. It is clear that this applicant was not the owner of that scrap yard, hence, after due consideration on all the material present in the case diary, 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 Cr.P.C. is allowed.
8. 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