

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5119 of 2018

Sarfaraz Khan @ Guddu S/o Abdul Wahab Khan Aged About 32 Years R/o Dhuripara, Mangla, Bilaspur Police Station Civil Line, Tahsil And District, District : Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Tarbahar, Tahsil And District, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Rohitashva Singh, Advocate
For Respondent	:	Mr. Vinod Tekam, 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.133/2017, registered at Police Station- Tarbahar, District – Bilaspur (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 06.02.2018. No case is made out against him according to the material present in the charge-sheet. 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. It is submitted th at according to the memorandum statement of the applicant, he has committed similar type of offencse earlier also.

Hence, he may not be released on bail.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Complainant Alex Ekka has lodged FIR in police station – Tarbahar regarding theft of his motor cycle bearing registration No.C.G.04-DD-8749. During the investigation, the said motor cycle was seized from the house of this applicant. The applicant has made admission that he has committed the similar offences earlier also.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and further taking into consideration this fact that the applicant do not have any criminal antecedents, hence, after due consideration, 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