

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8470 of 2018

- Surendra Kumar Bharti @ Sunil S/o Birbal Harizan, Aged About 24 Years R/o Village Bairpur, Ward No. 01, Police Station Obara, District Sonbhadra U. P.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Basantpur, District Balrampur-Ramanujganj Chhattisgarh

---- Respondent

For Applicant	: Shri Arun Kumar Shukla, Advocate.
For Respondent/State	: Shri UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

22/11/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with Crime No. 44/2016, registered at Police Station – Basantpur, District- Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 379, 201 & 34 of the IPC.
2. As per the prosecution story, on the intervening night of 18.04.2016 – 19.04.2016, one Bolero vehicle bearing Registration No. CG 07 MA 2042 was stolen by some unknown person, report was made by complainant Budhinarayan, during course of investigation, it was found that said vehicle and other vehicles have been seized by the police of police station Robertsganj, District Sonbhadra (U.P.) from the possession of the present applicant along with other co-accused persons, seized vehicle was identified by the complainant Budhinarayan. On the basis of above, offence has been registered and the applicant has been arrested on 23.07.2018.

3. Learned Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the applicant is in custody since 23.07.2018, charge-sheet has already filed and trial will take some time. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the applicant is in custody since 23.07.2018, charge-sheet has already filed, offence is triable by JMFC and trial will take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 50,000/- with two local solvent sureties each of Rs. 25,000/- to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge