

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 9168 of 2018

- Meghodeep @ Dasbanto S/o Shri Rajdeep, R/o Village- Darlipali, Post- Karlakunta, Police Station- Khaprakhol, District- Balangeer, Odisha., District : Balangir, Orissa

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Telibandha, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Sanjay Agrawal, Advocate.
For Non-applicant	: Mr. N. Sharma, Dy. Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

07.12.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 01/2018 registered at Police Station – Telibandha, District- Raipur, (C.G.) for the offence punishable under Sections 41(1+4) of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 14.08.2018 Head Constable 131 Bhagirathi, Police Station Telibandha recorded memorandum of the applicant u/s 27 of the Evidence Act wherein he gave information that 13 motorcycles have been concealed in a dilapidated house and is ready to recover them. But nothing was seized from him on the basis of his memorandum. 13 motorcycles have been seized from coaccused Madhuwan Tandi.
4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
6. As per the certified copy of the order of the Sessions Judge, Raipur dated 01.11.2018 applicant and coaccused had given the memorandum that they had stolen 13 motorcycles. The Session Judge, Raipur was unnecessary impressed with the confession of the applicant, mentioned in memorandum.
7. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE