

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5040 of 2019

Rajendra Kumar Pal, S/o. Shri Budhram Pal, Aged About 46 Years, R/o. Shesh Colony, Lav - Kush Nagar, Ward No. -13, Jamul District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : District Magistrate, District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. Achyut Tiwari, Advocate
For Respondent/State	: Mr. Neeraj Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

28/08/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.302/2019, registered at Police Station – Jamul, District – Durg (C.G.) for the offence punishable under Section 379, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 13.06.2019. No case is made out against the applicant according to the material present in the case diary. Charge-sheet has been filed after completion of investigation. Therefore, it is prayed that the applicant may be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, FIR was lodged regarding theft of scrap material by two unknown persons. During the investigation, scrap material worth Rs.2,500/- have been recovered and seized from the possession of this applicant.
6. Considered on the submissions made and the contents of the case diary. After considering the facts and circumstances of the case and further considering that the case is now pending before the trial Court and this applicant does not have any criminal antecedent, 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 the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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