

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5376 of 2019

- Omprakash Mandle S/o Premulal Mandle, Aged About 29 Years, R/o Village - Kevtara, Tahsil - Tilda, Police Station - Kharora, District - Raipur, Chhattisgrh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through - Station House Officer, Police Station Kharora Raipur, Civil and Revenue District - Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri D. Kushwaha, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-09-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 21-07-2019 in connection with Crime No.306/2019 registered at P.S. - Kharora Raipur, Civil and Revenue District – Raipur, Chhattisgarh for the offence under Section 379, 34 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 21-07-2019. This applicant has not committed any offence. Therefore, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that seizure of 10 kg. copper wire which was stolen property has been made from this applicant, therefore, he is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. The FIR has been lodged by complainant Vijay Kannoje that copper wire which was fitted in the transformer of his rice mill has been stolen by some unknown theft. During investigation this applicant was apprehended and at his

instance 10 kg. copper wire was recovered from this applicant.

6. Considering that the investigation is pending because of other accused persons are in absconsion and this applicant does not have any criminal incident, therefore, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge