

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5921 of 2019

- Deepak Bargah S/o Late Shri Chaitram Bargah Aged About 22 Years R/o Village Ghutiya, Police Station Sargaon, Tehsil Pathariya District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bhatapara (City) District Baloda Bazar, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

 For Applicant : Shri Virendra Verma, Advocate
 For Respondent/State : Shri Akhtar Hussain, P.L.

Hon'ble Smt.Justice Rajani Dubey
Order On Board

18.11.2019

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.180/2019, registered at Police Station Bhatapara (City), District Baloda Bazaar(CG) for the offence punishable under Sections 379, 420, 468, 471, 411, 34 of the IPC.
3. As per the case of prosecution, the complainant lodged FIR regarding theft of his motorcycle bearing registration No.CG 04KQ 6501 on 04.05.2019. After investigation, the motorcycle was identified by the complainant and the applicant was arrested.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime. He submits that the co-accused has already been released on by this Court in

MCRC No.3987/2019 vide order dated 2.9.2019 and the applicant has been arrested on the basis of memorandum statement of the co-accused. He further submits that charge sheet has been filed and the offence is triable by Magistrate; the applicant is in jail since 7.5.2019 and trial may take some time for its final disposal therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and the offence is triable by Magistrate and co-accused has already been enlarged on bail, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE