

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 5904 of 2019

- Sheikh Asraf S/o Mohd. Kasam Aged About 38 Years R/o Village Gevra Basti, Tahsil Katghora, District Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kusmunda, District Korba, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Awadh Tripathi, Advocate.

For Non-applicant/State : Mr. C.B. Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-09-2019

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 16.08.2019 in connection with Crime No.05/2019, registered at Police Station– Kusmunda, District- Korba, Chhattisgarh for offence punishable under Section 379 of I.P.C. and 41(1-4) of Cr.P.C.
2. It is submitted by learned counsel for the applicant that no case is made out against the applicant and police has been unable to find out the complainant in this case as the applicant himself is a scrap dealer, therefore, he has a legitimate claim over the property which has been seized from his possession. Therefore, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, in the present case, the police personnel of Police Station- Kusmunda have made a seizure of 70 kg. copper wires of value Rs.24,800/- on suspicion that it is a property of theft.
6. As there is no criminal antecedents of the applicant and the police has not been able to find out any complainant in this case, 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.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge