

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6656 of 2019

- Rajgopal Das S/o Late Shyamdas Aged About 40 Years R/o Village Premnagar Kusmunda, Police Station Kusmunda, District Korba Chhattisgarh....(In Jail),

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kusmunda, District Korba Chhattisgarh...(Non Applicant).

---- Respondent

For Applicant	: Shri Nitesh Shrivastava, Advocate
For Respondent/State	: Shri B.L.Sahu, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

03/12/2019

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 353/2019 registered at police station Kusmunda, District Korba (CG) for the offence punishable under Section 379/34 IPC and Section 3 and 7 of the Essential Commodities Act.

As per prosecution case, a report was lodged by the complainant alleging on 17.09.19, he along with the Manager was making a search in the year and found that 3-4 persons were committing theft of diesel from the vehicle. It is alleged that total of 75 litres worth Rs. 5310/- was stolen from the vehicle.

Counsel for the applicant submits that the applicant has been falsely implicated in the crime. He submits that the applicant is in jail since 18.09.2019; the charge sheet has been filed; offence is triable by Magistrate and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand, learned counsel for the State opposes the bail application.

Considering the totality of the facts and circumstances of the case, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond of Rs. 50,000/- with one surety in the like sum to the satisfaction of the concerned court for his appearance before it as and when directed, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge