

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7118 of 2020**

- Chintamani Sahu S/o Shri Nehru Sahu Aged About 30 Years R/o Village Kosrangi Police Station Kharora District Raipur Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Khamtarai, District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pragalbha Sharma, Advocate.
For State/respondent	: Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/11/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.427/2020 registered at Police-Station-Khamtarai, District-Raipur (C.G.) for the offence punishable under Sections 379, 411, 413 r/w 34 of IPC.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant is Proprietor of a small auto centre where other co-accused person used to visit for repair of their motorcycle and the applicant used to do repairing without having any suspicion. The charge against the applicant that he is habitually dealing with stolen property is totally false and baseless. Applicant does not have any criminal antecedent.

He is local resident of Raipur city and the case is triable by the JMFC.

Hence, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant had been an active participant in the commission of offences by other co-accused persons, who used to steal motorcycle, and thereafter in order to change original identity of stolen motorcycle, this applicant used to give a different look by modifying stolen motorcycle. Hence the offences committed by him is having gravity.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, it is alleged that one motorcycle belonging to complainant Md. Aleem was stolen by some unknown person. During investigation, the memorandum statement given by co-accused person has revealed that applicant used to modify the motorcycles stolen by him.
6. After considering on the submissions, facts of the case and also considering that this applicant has no past criminal antecedent, I am of the view that it would be proper to release the applicant on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge