

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8158 of 2019**

Monu Shriwas (wrongly written as Sonu Shriwas) son of Chetan Shriwas, aged about 27 years, R/o. I.T.I. Ambedkar Awas Raigarh, Tahsil and District Raigarh (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through : The Station House Officer, Out Post Jutmil, P.S. Chakradhar Nagar, District Raigarh (C.G.)

----Non-applicant

For Applicant	:	Mr. Vinod Tekam, Advocate.
For Non-applicant	:	Mr. Akhtar Hussain, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board**

03/02/2020

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with crime number (not mentioned) & Istagasa No. 19/2019 registered at police Station Out Post Jutmil, P.S. Chakradhar Nagar, District Raigarh (C.G.) for the offence punishable under Section 379 of the Indian Penal Code and Section 41 (1-4) of Cr.P.C.

(2) Case of the prosecution, in nutshell, is that the police authority has registered an offence under Section 41 (1-4) of Cr.P.C. and Section 379 of IPC against the applicant and upon investigation & search, the police has not found any valid and authenticated papers relating the motorcycle Hero Honda bearing registration No. CG-13 C -8961 from the possession of the applicant and on the basis of said memorandum, the police has registered the aforesaid offences against the present applicant.

(3) Counsel for the applicant submits that the accused/applicant has been falsely implicated in the crime in question as there is no evidence on record to connect the applicant with the crime in question. He submits that the applicant is in detention since 26.11.2019; charge sheet is yet to be filed but substantial investigation has already been made and no useful purpose would be served by keeping him further in jail; and he is ready and willing to co-operate with the trial; and no custodial interrogation is required and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) I have heard learned counsel appearing for the parties and perused the case diary with utmost circumspection.

(6) Taking into consideration the nature and gravity of the offence, in particular the fact that applicant is languishing in jail since 26.11.2019; charge sheet is yet to be filed but substantial investigation has already been made and the trial is likely to take some time for its final disposal and no custodial interrogation is required; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(7) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

