

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.2995 of 2021**

Shiv Prasad Kaushik, aged about 40 years, S/o-Maheshram Kaushik, caste – Kaushik, R/o-Village Dhatura Chowki Hardi Bazar, P.S. Kusmunda, District-Korba (CG)

---Applicant

Versus

State of Chhattisgarh Through Police Chowki Hardi Bazar & P.S. Kusmunda, District – Korba (CG)

---Non-Applicant

For Applicant	:	Mr.F.K.Khare, Advocate
For Non-Applicant	:	Mr.H.S.Ahluwalia, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

21/05/2021

1. Proceedings of this matter have been taken-up through video conferencing.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.121/2021, registered at Police Chowki-Hardi Bazar, Police Station-Kusmunda, District-Korba (CG), for the offence punishable under Sections 457 and 380 of the IPC.
3. Case of the prosecution, in brief, is that the present applicant along with other co-accused persons stolen motor parts amounting to ₹87,200/- from garage of KJSL Company and thereby committed the aforesaid offences.
4. Learned counsel for the applicant would submit that the

applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that the applicant is scrap-dealer, he is in custody since 13.4.2021 and no further interrogation is required and in view of COVID-19, he may be enlarged on regular bail.

5. On the other hand, learned counsel for the State would oppose the bail application.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant and his period of detention i.e. since 13.4.2021, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of ₹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/-

(Sanjay K. Agrawal)
Vacation Judge

B/-