

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7242 of 2020

- Vijay Kumar Ratre Son of Ramlakhan Ratre Aged About 23 Years, Resident of Shravan Mohalla Hardibazar, Chouki Hardibazar, Thana Kusmunda, District-Korba (Chhattisgarh)

---- Applicant (In jail)

Versus

- State Of Chhattisgarh Through District Magistrate Korba, Through Police Station- Deepka, District- Korba (Chhattisgarh)

---- Respondent

For Applicant	: Shri Vikas Pandey, Advocate
For Respondent/State	: Shri Vikram Sharma, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

05.01.2021

1. Applicant has preferred this application under Section 439 CrPC for grant of regular bail as he has been arrested in connection with Crime No.157 of 2020 registered at Police Station Deepka, District- Korba CG for the offence punishable under Section 379 of the IPC.
2. Case of the prosecution in brief is that on 05.09.2020 when Darshan Singh, driver of Telar (truck) bearing No.CG-04 JC 9736, parked his vehicle near a hotel for taking meals, some unknown person has stolen his parked vehicle. The incident of theft was reported by Darshan Singh to owner of the vehicle, who lodged FIR against unknown person. During the course of investigation, vehicle in question was found parked in front of the house of present applicant and he was arrested.
3. Shri Vikas Pandey, learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated in the

crime, due to some dispute with owner of vehicle, who is a transporter. He submits that, by occupation, applicant is a Truck driver and not having any criminal antecedents against him.

4. Shri Vikram Sharma, learned Dy Government Advocate for the State opposing the submission made by learned counsel for the applicant submits that the vehicle in question has been recovered in front of his house and on the basis of memorandum statement, keys of the vehicle were seized from his possession. He submits that applicant is not entitled for the benefit under Section 439 of the CrPC.

5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegations levelled against the applicant, entirety of facts and circumstances of the case, that there is no criminal antecedent against him, pretrial detention of the applicant and the offence being triable by the Magistrate, without commenting on merits of the case, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant be released on regular bail upon furnishing a bail bond in the sum of Rs.10,000/- (Rupees ten thousand) with one surety in the like sum to the satisfaction of the Court below concerned on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma