

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8916 of 2020**

- Anil Behra, S/o Shri Premsagar Behra, aged about 30 Years, R/o Village- Libra, Tah. and P.S. Tamnar, Distt. Raigarh, Civil and Revenue Distt. Raigarh (Chhattisgarh).

----Applicant**Versus**

- State of Chhattisgarh, Through Police Station- Tamnar, Distt. Raigarh (Chhattisgarh).

---- Respondent

For Applicant
For State

Mr. Manoj Kumar Sinha, Advocate.
Dr. (Ms.) Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

08/01/2021

1. The applicant has preferred this application under Section 439 of Cr.P.C. as he is in jail since 11.11.2020 in connection with Crime No.395/2020 registered at Police Station Tamnar, District Raigarh, C.G. for the offence punishable under Section 379 of Indian Penal Code.
2. Case of the prosecution, in brief, is that Complainant Ashok Kumar Agrawal lodged a report at police station Tamnar on 11.11.2020 that Trailer Nos. CG13-LA-4377 and MP19-HA-3984 of his ownership, was standing at CHP Chowk Libra at 30.10.2020. In the night, 300 litres of diesel was stolen from the said trucks and on inquiry from the villagers, the complainant

came to know that it is done by the present applicant. After arrest of the applicant on his memorandum 153 litres diesel stolen from the truck of the complainant worth Rs.12,240/- and one Bolero vehicle used in commission of the offence was seized from the possession of the applicant.

3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant has been arrested by the police merely on suspicion. The applicant is in jail since 11.11.2020, charge sheet has not been filed and there is every likelihood that conclusion of the trial will take some time, therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation against the applicant, the detention period of the applicant and the fact that conclusion of the trial is likely to take some time, without commenting anything on the merits of the case, this Court is of the opinion that present is a fit case for releasing the applicant on bail. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail. 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.

6. Let a copy of this order be forwarded to the concerned police station forthwith. If the applicant is reported to have involved himself in any offence of similar nature, this order granting bail to the applicant shall automatically stand cancelled without further reference to this Court.

Sd/-
Gautam Chourdiya
Judge

Akhilesh