

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5856 of 2015

Gendlal Nirmalkar S/o. Ramnarayan Nirmalkar, aged about 20 years, R/o. Village Kungda, Goverdham Chowk, P.S. Kumhari, Tahsil and District Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through :- Police Station Incharge P.S. Jamul District Durg (C.G.)

---- Respondent

For Applicant	:-	Shri Arvind Dubey, Advocate
For Respondent/ State	:-	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

30/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 331/2015 registered at Police Station- Jamul, District – Durg (C.G.) for the offence punishable under Sections 457,380 of IPC.
2. As per the prosecution case, on 19.03.2015 the applicant has entered into the house of the complainant and thereafter he has committed theft of one gold ear ring and one gold finger ring etc. which was valued at Rs. 1,25,000/-. Subsequently, on the report of the complainant, the present applicant has been arrested on 22/08/2015.
3. Learned counsel for the applicant submits that the applicant is a innocent and he has been falsely implicated in this case. He further submits that nothing has been seized from the applicant and he is in jail

since 22.08.2015. He further submits that the other co-accused have been enlarged on bail in M.Cr.C. No. 6235 of 2015 on 23.11.2015 and therefore, prays that the present applicant may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Having regard to the fact that the applicant is in jail since 22.08.2015 and also the fact that the similarly placed co-accused persons have already been enlarged on bail, I am inclined to release the applicant on bail.

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

7. It is directed that the applicant shall be released on bail on 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.

8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge