

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5865 of 2015

Gendlal Nirmalkar S/o Ramnarayan Nirmalkar Aged About 20
Years R/o Village Kungda, Goverdhan Chowk, P.S. Kumhari, Tahsil
& Distt. Durg Chhattisgarh

---- Petitioner

Versus

State of Chhattisgarh Through : - Police Station Incharge, P.S.
Jamul, Distt. Durg Chhattisgarh

---- Respondent

For Applicant	:-	Shri Arvind Dubey, Advocate
For Respondent/ State	:-	Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

04/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No. 383/2015, registered at Police Station – Jamul, District Durg (C.G.) for the offence punishable under Section 457,380 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 19.06.2015, a report was made that the complainant and his family members were sitting in porch of his house and when entered his bedroom he saw that his almirah was opened and the locker was broken. On investigation it was found that a gold ring, gold locket, gold pendel, gold ornament and an old Samsung mobile was stolen. Subsequently, after investigation the offence has been registered, the applicant has been arrested and the charge sheet has been filed.

3. Learned counsel for the applicant submits that no recovery has been made and further no identification of the ornaments were made by the prosecution. He further submits that only card of loan was recovered whereby it was held that the applicant had committed an offence. Counsel for the applicant submits that the charge sheet has been filed and the applicant is in jail since 22.08.2015. He would therefore prays that considering the detention of the applicants, they may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the allegations and the nature of evidence which is available on record and the fact that the applicant is in jail since 22.08.2015 and the offences are triable by the JMFC, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Santosh