

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5922 of 2015

Khem Lal Nirmalkar, S/o. Bhim Prakash Nirmalkar, Aged About 22 Years,
R/o. Near Jalaram Hotel, Kailash Nagar, P.S. Jamul, Tahsil & District
Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Office, P.S. Jamul, Distt.
Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Uttam Pandey, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/11/2015

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.378/2015 registered at Police Station- Jamul, District Durg (C.G.) for the offence punishable under Section 454 & 380 of Indian Penal Code.
2. Case of the prosecution is that the complainant Subhash Kumar Sinha on 26.06.2015 had left his residence alongwith his wife for their job and while his wife came back she found that lock of the house was broken and ornaments and mobile was missing. Subsequently, the applicant was arrested.
3. Learned counsel for the applicant submits that only the mobile has been seized from this applicant and he has been inculpated only on the memorandum of co-accused Praful Mahod. He further submits that the charge sheet has been filed in this case and the

applicant is in jail since 22.08.2015; therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into account the degree of offence and considering the seizure made from this applicant; further looking to the detention of the applicant as he is in jail since 22.08.2015 and the offence is 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