

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6039 of 2015

Santosh Gupta S/o Tularam Gupta Aged About 32 Years R/o Village And Post Dhuriya, Police Station Gendatola, Tahsil Dhuriya District Rajnandgaon Chhattisgarh(Not Given In Order Under Challenged).

---- Appliant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Antagarh, District Kanker Chhattisgarh.

---- Respondent

For Appliant	:-	Shri Avinash Chand Sahu, Advocate
For Respondent/ State	:-	Shri Anupam Dubey, 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. 44/2015 (wrongly has been mentioned 44/2014 in the impugned order) registered at Police Station- Antagarh, District – Kanker (C.G.) for the offence punishable under Sections 457,380(34) of IPC.

2. As per the prosecution case, on the intervening night of 02-03/09/2015 when the complainant Jagatram Kodo was sleeping at his home, the applicant and the other co-accused persons have entered into the house and stolen some silver and gold ornaments and cash amounting of Rs. 50,000/-. Subsequently, on the report of the complainant a case was registered against and during the course of investigation police has arrested some persons and they have confessed the offence

3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that the charge sheet in this case has been filed. He further submits that only Rs. 200/- was recovered from the possession of the applicant and no gold ornaments has been seized from the applicant and he is in jail since 14.09.2015 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 the degree of offence and the nature of allegation leveled against the applicant, and the fact that the charge sheet in this case has already been filed and the applicant is in jail since 14.09.2015. Considering the fact for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular 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