

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6533 of 2015

RAJKUMAR NAGESHIYA, son of Shri Mangal Nageshiya, aged about 22 years, r/o Kunkuri, Tahsil and P.S. Kunkuri, Civil and Revenue District Jashpur (C.G). ... **Applicant**

Versus

State of Chhattisgarh, through Station House Officer of the P.S. Chhal, District Raigarh (C.G.) ...**Non-applicant**

For the applicant	:	Mr. Abhishek Sharaf, Advocate
For the Respondent	:	Mr. Sunita Jain, Panel Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.12.2015

1. This is an application filed under section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant in connection with Crime No.86/2014(wrongly mentioned as 86/2015) registered at Police station Chhal, Distt. Raigarh for the offences punishable under sections 457 & 380/34 of IPC.
2. As per the prosecution case, on 27.05.2015 the present applicant along with other co-accused entered into the shop of complainant situated at village Hati, Bazar Para Korba and committed theft of 32 mobiles and 12 chargers worth Rs.60,000/-. Subsequently when one of the co-accused namely Karan was arrested, his memorandum was recorded and on his memorandum the mobiles were seized from the possession of the applicant, thereby the offence is committed.
3. Learned counsel for the applicant submits that the mobiles which were seized have not been identified and therefore the seizure is highly doubtful. He submits that no evidence was produced to show that the mobiles which were stolen from the shop of

complainant have been seized from the applicant. It is further submitted that the charge sheet in this case has been filed and the applicant is in jail since 27.10.2015, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. I have gone through the case diary and other documents.
6. Having regard to the fact that the charge sheet has been filed and the alleged recovery has already been made and taking into gravity of charges and the manner in which the offence is alleged to have been committed, without any observation on merits, I am inclined to enlarge the applicant on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He shall also appear before the trial Court as and when directed by the said Court.

Cc as per rules.

Sd/-
GOUTAM BHADURI
JUDGE