

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6821 of 2015

Sudhram Vishwakarma, S/o. Sagram, By Caste Lohar, Aged About 45 Years, R/o.Village Parsoda, Thana Korar, Distt. U.B. Kanker, Chhattisgarh

---- Applicant

Versus

The State Of Chhattisgarh, Through Police Station- Kanker, Distt. U.B. Kanker, Chhattisgarh

---- Respondent

For Applicant : Mr. Parag Kotecha, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/12/2015

1. This is the second 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.323/2015, registered at Police Station– Kanker, District U.B. Kanker (C.G.) for the offence punishable under Section 457, 380, 414 read with 34 of Indian Penal Code.
2. The first bail application was dismissed as withdrawn on 27.10.2015 with liberty to revive the same after filing of the charge sheet and now the charge sheet has been filed.
3. Case of the prosecution, in brief, is that a report was made by one Vijay Motwani that when he went out from his shop and when came back, he saw that his house was broken and subsequently it was found that from the locker Rs.21 Lacs were stolen. Thereafter, on a report made, one Rajkumar @ Daskumar was arrested and on his memorandum, this applicant was arrested on the ground that cash

has been handed over to this applicant. Subsequently, the amount of Rs.8 Lacs has been recovered from the possession of this applicant, which was buried in the ground.

4. Learned counsel for the applicant would submit that the applicant has been wrongly inculpated in this case. He submits that the charge sheet has been filed and the applicant is in jail since 27.09.2015. He further submits that no further evidence is necessary as investigation is over and no purpose would be served to keep the applicant in jail; therefore, he may be enlarged on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Having regard to the facts and circumstances of the case; taking into fact that the alleged recovery has already been made that of the currency note; further considering the fact that the charge sheet has been filed and the applicant is in jail since 27.09.2015, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.
10. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

