

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5923 of 2015

Krishna Pande, S/o. Treta Prasad Pande, Aged About 25 Years, R/o. Bramhanpara, Ward No.23, Police Station, Tahsil Dongargarh, District Rajnandgaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through - Station House Officer, Police Station – Dongargaon, District Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant : Mr. Abhishek Sharma, 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.242/2015 registered at Police Station- Dongargaon, District Rajnandgaon (C.G.) for the offence punishable under Sections 457, 380/ 34 and 411 of Indian Penal Code.
2. Case of the prosecution is that on 20.08.2015, a complaint was lodged by Santosh Dhruv that in the intervening night of 06/07.03.2015 the lock of his house was broken and silver ornaments were stolen alongwith the cash. Thereafter, during investigation Ramu Tiwari and Rahul Adkane were arrested and on the basis of memorandum of Ramu Tiwari that he passed the ornaments to the applicant Krishna Pande who in turn passed it to Anil Kumar Soni, the applicant was arrested.

3. Learned counsel for the applicant submits that nothing has been seized from this applicant and he has only been inculpated on the basis of the memorandum of the co-accused. He further submits that except the memorandum no evidence is available against this applicant and only on the basis of the memorandum of co-accused Ramu Tiwari and Rahul Adkane, the applicant cannot be held liable to have committed the offence. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 21.08.2015, 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. Having regard to the fact that no seizure was made from this applicant and he has been inculpated only on the memorandum of the co-accused and considering the fact that the charge sheet has been filed and the applicant is in jail since 21.08.2015, 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