

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.5942 of 2015

- Kapil Dev Dhanwar, son of Ramkumar Dhanwar, aged about 25 years, Occupation Labour, Resident of Village Shivpuri, P.S. Punjipathra, Raigarh, Civil & Revenue Distt. Raigarh

---- Applicant

Versus

- State of Chhattisgarh through Station House Officer, Police Station Punjipathra, District. Raigarh (C.G).

--- Respondent

For the applicant	:	Mr. Vivek Tripathi, Advocate
For the Respondent	:	Mr. Ashok Swarnkar, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.11.2015

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 67/2015 registered at P.S. Punjipathra, Distt. Raigarh (C.G) for the offence punishable under Sections 379/34 IPC.
2. Case of prosecution case in brief is that complainant Raghunath Patel was running a shop of medical stores where the applicant and other co-accused have come and plunged the complainant into conversation and during such moment, a bag containing Rs.30,000/- was stolen. Subsequently report was made and during investigation, the applicant has been arrested and recovery of Rs.2000/- was made from this applicant whereas from other co-accused, Rs.1000/- was recovered.
3. Learned counsel for the applicant submits that virtually there is no evidence against this applicant and recovery of Rs.2000/- cannot be said to be made out of such stolen amount, therefore, there was no proper identification regarding recovery of stolen money. He further submits that the applicant is in jail since 24.09.2015 and he may be

released on regular bail.

4. Per contra, learned State Counsel opposes the prayer for bail.
5. Having regard to the fact that no proper identification was made in respect of accused and only the accusation is on the basis of recovery of currency note from the applicant and taking into account that the charge sheet has been filed and the gravity of offence, I am inclined to release the applicant on regular bail. Accordingly, this application is allowed.
6. The applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court . He is directed to appear before the said Court on each and every date given by the said Court.
7. C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**