

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6819 of 2015

1. Avinash Giri Goswami, aged about 21 years, S/o. Ramesh Giri Goswami, R/o. Kuan Gali, Saraswati Nagar, Kota, Police Station – Saraswati Nagar, Tahsil and District – Raipur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station, Khamtarai, District – Raipur (C.G.)

---- Respondent

For Applicant : Mr. V.R. Tiwari, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.313/2015, registered at Police Station – Khamtarai, District – Raipur (C.G.) for the offence punishable under Section 451, 380/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant alongwith other co-accused committed theft of gold and silver ornaments and cash total amounting to Rs.1,79,100/- in the house of Sujata Sen. Subsequently on report being made and after investigation, ornaments and cash were seized from the possession of the applicant.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the applicant while they were roaming in the night they caught hold of and

four cases were registered against the applicant. He would further submit that as per the memorandum seizure was made and at that time it was stated that the ornaments have been kept in the police station. He would further submit that charge sheet in this case has been and the applicant is in jail since 14.09.2015, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that charge-sheet in this case has been filed and considering the memorandum statement, taking in to the fact that the applicant is in jail since 14.09.2015, the offences are triable by JMFC, without any observation on merit, for the purpose of bail, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge