

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1557 of 2016

Kamaldas Mahant, S/o Mitthu Das Mahant, aged about 42 years (wrongly mentioned 28 years), R/o Village Raipura, Police Station Baradwar, Tahsil Sakti, Civil and Revenue District Janjgir-Champa (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Out Post Kharsiya, Police Station Kharsiya, Distt. Raigarh (C.G.)

---- Non-applicant

For Applicant:	Mr. Dharmesh Shrivastava, Advocate.
For Non-applicant:	Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

16/03/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.72/2016, registered at Police Station Kharsiya, Out Post Kharsiya, Distt. Raigarh, for the offence punishable under Section 456 of the IPC.
2. Case of the prosecution, in brief, is that on 19-2-2016, the applicant committed the offence of housebreaking by night.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. The applicant is in custody since 20-2-2016 and charge-sheet is yet to be filed.
4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and

circumstances of the case, role of the applicant, no offence of theft is said to have been committed and pretrial detention of the applicant, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.

7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma