

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3645 of 2016

- Shekh Sadab S/o Shekh Jamil Aged About 30 Years R/o Sardar Vallabh Bhai Patel, Ward No. 11 Arjunda, District (Revenue) - Balod, District (Civil) - Durg Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Basantpur, District - Rajnandgaon Chhattisgarh

---- Respondent

For the applicant	:	Mr. Yogesh Pandey Advocate
For the Respondent	:	Mr. Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 38 of 2016 registered at P.S. Basantpur Distt Rajnandgaon (C.G) for the offence punishable under Section 457 & 380 IPC.
2. As per the prosecution case, a theft was committed in the house of one Peru Ram Verma and a laptop, certain gold ornaments and Sarees were stolen. Subsequently on a report being made, investigation commenced and during the course of investigation one Suraj Kumar Yadav was arrested and on his memorandum it was revealed that he along-with present applicant has stolen the goods and the goods were recovered from the possession of the applicant and the stolen goods were identified.
3. Learned counsel for the applicant would submit that the

applicant is not involved in the theft and he has been falsely inculpated on the basis of statement of Suraj Yadav and the main allegations are against Suraj Yadav who committed theft and sold it to the applicant, therefore, the connection with respect to the fact that the applicant has stolen the goods as narrated in the statement of accused Suraj is missing. It is further submitted that the applicant is in jail since 25.02.2016, therefore, looking to the period of detention, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and other documents. A perusal of the documents would show that recovery of ornaments was made from the applicant.
6. Considering the facts and circumstances of the case and looking to the recovery made from the present applicant, I am not inclined to allow the bail application. Accordingly it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE