

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4249 of 2016**

- Karan @ Mohd. Majahar S/o Mohd. Sharif Aged About 33 Years R/o Dudagi, Old Kabristan, Chowki - Barkakana, Police Station - Patratu, District Ramgarh (Jharkhand) --- **Petitioner**

**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station - Deepka, District - Korba Chhattisgarh --- **Respondent**

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| For the applicant  | : | Mr. Aditya Khare, Advocate    |
| For the Respondent | : | Ms. Sunita Jain, Panel Lawyer |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**17.08.2016**

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. 85 of 2015 registered at P.S. Deepka, Distt.Korba (C.G) for the offence punishable under Sections 394, 395, 397, 398 of IPC.
2. As per the prosecution case, one Shiv Narayan was stopped in the forest while he was travelling in a vehicle on 15.07.2015 and from him 8 Kgs. of silver, 100 grams of gold and Rs.50,000/- was looted by the present applicant along-with other co-accused, thereby the offence is committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated as no identification has been made though the report is made against the unknown person. He further submits that on the memorandum, recovery of ornaments was made and they were also not identified, therefore, only on the basis of recovery of cash, the applicant has been inculpated. It is further submitted that the charge sheet has been filed and the applicant is in

jail since 03.12.2015, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and other documents.
6. Considering the existing evidence collected against the applicant as also the fact that the charge sheet has been filed ; the applicant is stated to be in jail since 03.12.2015 and thus taking into the overall facts and circumstances, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and 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 shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

**Sd/-**  
**GOUTAM BHADURI**  
**JUDGE**