

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.CR.C. No. 4871 of 2016

1. Vishnu Gupta, S/o. Krishna Pal Gupta, aged about 26 years, R/o. Village-Bhadi, P.S. - Pendra Tahsil Pendra Civil & Revenue District Bilaspur, District – Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station In-charge, Manendragarh, District – Korea (C.G.)

---- Respondent

For Applicant : Mr. Arvind Shrivastava, Advocate
For Respondent/State : Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/09/2016

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.149/2016, registered at Police Station – Manendragarh, Korea, District – Korea (C.G.) for the offence punishable under Section 380, 419, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by one Suresh Kumar Goyal, alleging that Smt. Rekha Gupta, who was married to his son Sandeep Goyal, with the help of present applicant has stolen the ornaments and fled away.
3. Learned counsel for the applicant submits that only on the presumption, the allegation of theft has been lodged against the

present applicant and the ornaments were taken by Smt. Rekha Gupta, daughter-in-law since they belonged to her. It is further submitted that the similarly placed co-accused in this case has been released on bail in M.Cr.C.No.4424/2016 vide order dated 09.08.2016, therefore, counsel prays that the applicant may also be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that similarly placed co-accused in this case has been enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstance of the case and the fact that similarly placed co-accused in this case has been released on bail in M.Cr.C.No.4424/2016 vide order dated 09.08.2016, 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