

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5813 of 2016

- Krishna Kumar Dhruv S/O Tiharu Ram Dhruv Aged About 30 Years R/O Village - Aadiwasi Coloney, Near Gayatri Mandir, Kushaampur, Police Station - Purani Basti Raipur, Tahsil & District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through, Police Station - Purani Basti Raipur, District Raipur Chhattisgarh

---- Respondent

For Applicant : Mrs. Ranjana Jaiswal, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27-09-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 18-07-2016 in connection with Crime No. 189 of 2016, registered at Police Station Purani Basti Raipur, District Raipur (CG) for the offence punishable under Sections 457 and 380 of the IPC.
2. Case of the prosecution, in brief, is that on 14-6-2016 theft was committed in the house of the complainant whereby one mobile phone, cash Rs.5000/-, two gold ear tops and two gold finger rings total worth Rs.15,000/- were stolen. Subsequently, the applicant was arrested and the goods were recovered from the possession of the applicant and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the bill of recovery of gold ear tops was shown to be of 21-7-2016 whereas the offence was committed on 14-6-2016 which shows that the

applicant has been falsely implicated in this case. It is further submitted that the statement of the wife of the complainant shows that all the bills of the articles which were kept in the bag were stolen, therefore, there is discrepancy of the date in the bill. He would further submit that the charge-sheet has been filed in the case, the applicant is in jail since 18-7-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the application for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary and statements which would show that the seizure has not been made by the Police.
6. Taking into consideration the facts and circumstances of the case, further considering the discrepancy of the date in the bill and also the fact that the charge sheet has been filed and the applicant is in jail since 18-7-2016, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju