

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5839 of 2016

1. Sanjay Kumar Yadav, S/o. Chandrika Yadav, aged about 25 years, R/o. Village- Kasrenga – Police Station – Bankimongra, Tehsil – Katghora, District – Korba (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Bankimongra, District – Korba (C.G.)

---- Respondent

For Applicant : Mr. Sanjeev Das, Advocate

For Respondent/State : Mr. Vinod Tekam, 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, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.61/2016, registered at Police Station – Bankimongra, District – Korba (C.G.) for the offence punishable under Section 457, 380, 411, 34 of the Indian Penal Code.
2. As per prosecution case, in brief is that on 13.07.2016 a report was made by Rameshwar Singh Kanwar alleging that on 14.06.2016 some theft took place in his house and different house hold articles were stolen. During the investigation, the applicant was arrested and on his memorandum cycle and different house hold items was seized, which is alleged to have been stolen by the applicant. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the FIR is delayed by one month and there is no justification of delay in lodging the FIR. It is further submitted that the goods which has been seized from the possession of the applicant belonged to the applicant and are house hold goods, therefore, no allegation can be attributed to the present applicant. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 15.07.2016, therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. On memorandum of the applicant stolen goods were recovered, which were identified and certain goods were sold which was also recovered. Taking into such fact and recovery made, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge