

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7605 of 2015

Gulab Singh, S/o. Bisan Singh, Aged About 26 Years, R/o. Village Khar,
Police Station Malajkhanda, District Balaghat (Madhya Pradesh)

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station-
Antargarh, District North Bastar Kanker, Chhattisgarh

---- Respondent

For Applicant : Mr. Neha Verma, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.01.2016

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 in connection with Crime No.44/2015, registered at Police Station– Antargarh, District North Bastar, Kanker (C.G.) for the offence punishable under Section 380 & 457 read with Section 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 02.09.2015 a theft was committed in the house of Jagat Ram Kodo and silver & gold ornaments, cash and paddy were stolen which were valued of Rs.50,000/-. Subsequently, while the matter was reported and investigated, on the memorandum statement of the other co-accused Jageshwar Prasad and Matuk Singh Markam, from the possession of the present applicant, silver coin of Rs.20 and cash amount of Rs.200/- was recovered.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and only on the memorandum statement of the other co-accused, the applicant has been arrested. She further submits that the applicant is suffering with the terminally disease cancer, which would be evident from Annexure A-2, which is a communication by the Jail Superintendent that the applicant is being treated in the Hospital. She further submits that the charge sheet in this case has been filed, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the case diary and the statement and also taking into fact that the charge sheet has been filed and specially taking into fact that the applicant appears to be suffering from cancer and he is being treated, 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.
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