

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C.No.1434 of 2016

Jageshwar, son of Kachru Ram, aged about 25 years, Caste-Marar, R/o of Neeche-Kamta, P.S. Antagarh, District Kanker, Civil and Revenue District Uttar Bastar Kanker (CG)

---Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station – Antagarh, District-Uttar Bastar Kanker (CG)

---Non-applicant

For Applicant	:	Mr. Sandeep Shrivastava, Advocate
For Non-applicant	:	Mr. S. Awasthy, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

06/04/2016

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.44/2015, registered at Police Station-Antagarh, District-Kanker (CG), for the offence punishable under Sections 457 and 380/34 of the IPC.

2. Case of the prosecution, in brief, is that in the intervening night of 02-03/09/2015 when complainant Jagatram Kodo was sleeping at his home, the applicant and other co-accused persons have entered into the house and stolen some silver and gold ornaments and cash amounting of Rs.50,000/-. Subsequently, on the report of the complainant, a case was registered against unknown persons and during the course of investigation, police has arrested some persons and they have confessed the offence.

3. Learned counsel for the applicant would submit that the

applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that no recovery has been made from the possession of the present applicant, whereas co-accused Santosh Gupta has been released on bail by a co-ordinate Bench of this Court vide order dated 30.11.2015 in M.Cr.C.No.6039 of 2015.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant, the fact that no recovery has been made from the possession of the present applicant and his pre-trial detention, 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 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.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-