

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 89 of 2016

Rakesh Manikpuri, S/o. Banshidas Manikpuri, aged about 23 years, R/o. Kailash Nagar, Ward No.02 Kawardha, Police Station and Tahsil – Kawardha, Civil and Revenue District – Kabirdham (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through : District Magistrate/Station House Officer, Police Station – Kawardha, District – Kabirdham, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21.01.2016

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.280/2015, registered at Police Station– Kawardha, District – Kabirdham (C.G.) for the offence punishable under Section 457, 380 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 18.09.2015 in the house of the complainant, Rakesh Manikpuri the accused persons committed theft and when the accused persons trying to sale the golden ring the complainant saw and recognized his ring as such the applicant was arrested.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case as no seizure was made that of the ring and the seizure witnesses in this case have not supported the case of the prosecution. He relied on the statement of Rajendra

Singh Thakur and Satish Singh. He would further submit that the applicant is in jail since 03.10.2015, therefore, the counsel prays that the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail however, he do not dispute the fact that seizure witness have not supported the case of the prosecution.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts and circumstances of the case and further considering the fact that seizure witnesses in this case have not supported the case of the prosecution, 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 each 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