

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 112 of 2016

1. Jamsher Mohammed, S/o. Lal Mohammed, aged about 25 years, R/o. Village – Surpan Nagar, Police Station – Banbeer Cant, District – Pratapgarh (Uttar Pradesh), Presently residing at Chandrapur Road Line, Bilaspur Road, Raipur, Tahsil and District – Raipur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station : Somni, District – Rajnandgaon (C.G.) (as per charge-sheet)

---- Respondent

For Applicant	: Mr. Abhishek Sharma, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/01/2016

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.170/2015, registered at Police Station – Somni, District – Rajnandgaon (C.G.) for the offence punishable under Section 457, 380 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 09.09.2015 a report was made by the complainant, Santlal Gupta that shutter of his shop was broken and on being investigated it was revealed that locker of the shop was broken and Rs.11,200/- was stolen. Thereafter, on investigation, the applicant was arrested and from his memorandum, Rs.1,000/- was seized.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and there is no evidence against this applicant. He would further submit that only currency note has

been seized, which can not be made the basis of conviction. He would further submit that charge-sheet in this case has been filed and the applicant is in jail since 25.09.2015, therefore, the counsel prays that 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 and perused the case diary.
6. Taking into facts and circumstances of the case, the degree of offence, and the nature of allegation levelled against the applicant and the fact that the applicant is in jail since 25.09.2015 and further taking into the fact that charge-sheet in this case has been filed, 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 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