

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 143 of 2016

Ajay Kumar Ajgalle, S/o. Sewakram Ajgalle, Aged About 21 Years, Caste Satnami, R/o. Khurghatti, P.S. & Tahsil Dabhra, Distt. Janjgir Champa, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through: Station House Officer, P.S. Dabhra, Distt. Janjgir Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. Pushpendra Kumar Patel, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. G.A.

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 for grant of regular bail to the applicant who has been arrested in connection with Crime No.301/2015, registered at Police Station– Dabhra, District Janjgir-Champa (C.G.) for the offence punishable under Section 457, 380, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that in between the intervening night of 6 & 7.11.2015, the applicant along-with the other co-accused committed theft in the house of Ratiram Satnami and stolen away T.V., 2 Disc Receiver, 2 Brass Plate & Container of Rs.13,000/- and thereafter distributed the same in between them.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case only on the memorandum and there is no evidence against this applicant. He further submits that

from the possession of the applicant, one Brass Plate has been recovered and identity of the same is still to be questioned, therefore, taking into the recovery made and the allegation, 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. Having regard to the facts and circumstances of the case and the degree of allegation and further considering the fact that the charge sheet has been filed and the applicant is in jail since 12.11.2015, 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