

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 338 of 2016

1. Sameer Ahmad, S/o. Shri Mukhtar Ahmad, aged about 20 years, R/o. Farid Nagar, Ashrafi Road, Supela, Bhilai, P.S. - Supela, Tahsil and District – Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the District Magistrate, Raipur District – Raipur (C.G.)

---- Respondent

For Applicant : Mr. Jitendra Gupta, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/01/2016

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.257/2015, registered at Police Station – Amanaka, Raipur (C.G.) for the offence punishable under Section 457 & 380 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant committed theft in the marriage palace by broking open the lock and stolen the mobile, camera and mangalsutra total worth Rs.1,10,450/- and while they were trying to sale the goods, they were caught red handed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that no recovery has been made from this applicant. He would further submit that though the goods were said to be identified but actually the goods which was stolen of the persons have not identified the goods. He would further submit that charge-sheet in this case has been filed and

the applicant is in jail since 10.12.2015, 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. Having regard to the facts and circumstances of the case, the degree of allegation levelled against this applicant and the fact that charge-sheet in this case has been filed and the applicant is in jail since 10.12.2015, 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