

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7472 of 2015

Basant Nishad, S/o. Bhuneshwar, aged about 24 years, R/o. Village-Ranitarai, Police Station Balod, Civil and Revenue District – Balod (C.G.)

---- Appliant

Versus

State of Chhattisgarh, Through - The Station House Officer, Police Station - Antagarh, Civil and Revenue District – Kanker, Chhattisgarh.

---- Respondent

For Applicant	:-	Shri P.P. Sahu, Advocate
For Respondent/ State	:-	Shri Samir Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

06/01/2016

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

2. As per the prosecution case, on the intervening night of 02-03/09/2015 when the complainant Jagatram Kodo was sleeping at his home, the applicant and the 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 and during the course of investigation police has arrested some persons and they have confessed the offence.

3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that the charge sheet in this case has been filed. He further submits that only Rs. 200/- was recovered from the possession of the applicant and no gold ornaments has been seized from the applicant and he is in jail since 14.09.2015. He would further submit that similarly placed co-accused in this case has been released on bail by this Court in M.Cr.C.No.6039/2015 vide order dated 30.11.2015, therefore, he prays that the applicant may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, after verification he do not dispute the fact that similarly placed co-accused in this case has been enlarged on bail.

5. Having regard to the fact that similarly placed co-accused in this case has been enlarged on bail by this Court in M.Cr.C.No.6039/2015 vide order dated 30.11.2015, I am inclined to enlarge the applicant on regular bail.

6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.

7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge