

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3576 of 2016

- Chintu Kaser S/O Usatram Kaser Aged About 20 Years Occupation - Lebour, R/O Vijaypur, P.S. - Chakradhar Nagar, Tahsil & District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer Of The P/S. - Chakradhar Nagar, District - Raigarh Chhattisgarh

---- Respondent

For Applicant : Mr. Abhishek Saraf, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.07.2016

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 on 1-6-2016 in connection with Istgasa No. 07 of 2016 (Crime No. not registered), registered at Police Station Chakradhar Nagar, District Raigarh (CG) for the offence punishable under Sections 41(1-4) Cr.P.C and Section 379 of the IPC.
2. As per prosecution case, the applicant along with other co-accused persons was involved in theft of three mobile phones and one bicycle and the same were recovered at the instance of the applicant and other co-accused persons as they have stolen the said property and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case and there is no report on record to show that the said goods were stolen at any

point of time. He would further submit that the charge-sheet has been filed in this case, the applicant is in jail since 1-6-2016 and no further investigation is necessary, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the totality of the circumstances, nature of allegation leveled against the applicant and considering the fact that the charge-sheet has been filed in the case and the applicant is in jail since 1-6-2016, 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 and 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 in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju