

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4681 of 2016

1. Rahul Yadav, S/o. Tiharu Yadav, aged about 20 years, R/o. Village-Khamtarai near Atak Chowk, Police Station Sarkanda, District – Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Sarkanda, District - Bilaspur (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Amit Singh, Advocate
For Respondent/State	: Mr. Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/08/2016

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.379/2016, registered at Police Station – Sarkanda, District – Bilaspur (C.G.) for the offence punishable under Section 380, 457, 411/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 28.05.2016, the complainant closed his shop and went away. Subsequently it was found that lock of the shop was broken and Pan Masala and other grossery were stolen worth Rs.50,000/-. Subsequently on investigation, it was revealed that the applicant along with other co-accused has committed the offence. Thereafter on the memorandum, the goods, which were stolen were recovered.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the seized goods are available in the open market and it can not be stated that same goods which were seized belonged to the complainant. 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.
6. Perused the case diary and the documents. Considering the allegation levelled against the applicant and the seizure made and further considering the facts and circumstances of the case, 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