

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7585 of 2015

1. Sheikh Akhatar, S/o. Shri Sheikh Jaffar, aged about 19 years, R/o. Village-Boairgaon, Thana-Komakhan, District – Mahasamund (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station, Komakhan, District – Mahasamund (C.G.)

---- Respondent

For Applicant : Mr. R.S. Patel, Advocate

For Respondent/State : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/01/2016

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.87/2015, registered at Police Station – Komakhan, District – Mahasamund (C.G.) for the offence punishable under Section 457 & 380/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a theft was committed in the intervening night of 21-22 September, 2015 in the mobile shop of complainant, Dinesh Kumar and 10 to 15 mobiles were stolen and thereafter, the report was made and on investigation, from the possession of the applicant, 7 pieces of mobile were seized.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the charge sheet in this case has been filed and the applicant is in jail since 24.10.2015. He would further submit that similarly placed co-accused in this case has been enlarged on bail by this Court in

M.Cr.C.No.6861/2015 vide order dated 14.12.2015, 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, however, after verification do not dispute the fact that similarly placed co-accused in this case has been enlarged on 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 taking into consideration the nature and gravity of offence, further considering the fact that charge sheet in this case has been filed and the applicant is in jail since 24.10.2015 and further taking into the fact that similarly placed co-accused in this case has been enlarged on bail by this Court in M.Cr.C.No.6861/2015 vide order dated 14.12.2015, 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