

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7689 of 2015

Lalit Gupta, S/o. Ramkaran Gupta, Aged About 55 Years, Caste Baniya, R/o. Sapaha (Kasiya), Tahsil & P.S. & Distt. Kusunagar, Civil And Rev. Distt. Kusunagar (U.P.). At Present R/o. Chitratoli Gali, Sapaha (Kasiya), Tahsil, P.S. & Distt. Kusunagar (U.P.)

---- Applicant

Versus

State Of Chhattisgarh, Through Thana- Bagicha, Distt. Jashpur
Chhattisgarh

---- Respondent

For Applicant : Ms. Sharmila Singhai, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18.01.2016

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.198/2015, registered at Police Station– Baghicha, District Jashpur (C.G.) for the offence punishable under Section 379 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 07.11.2015 the applicant was traveling along with the complainant in the Bus and they were going to Bagicha and at that time while they were sitting, the applicant who was sitting beside the complainant gave some sweet to him and thereafter the complainant became unconscious and while he was losing his conscious, Rs.2500/- was taken out from the pocket of the complainant and also the brass chain.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and she relied on the document of income tax return and would submit that the gross income of the applicant is more than Rs. 3 Lakhs and therefore the allegation against the applicant is completely improbable. She further submits that neither the ticket of the Bus has been seized nor any evidence has been produced, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the case diary and the statement of the witnesses. Taking into the degree of allegation and taking into consideration the income tax return of the applicant which has been placed on record and considering the charges of theft of Rs.2500/- and further taking into fact that the applicant is in jail since 08.11.2015, 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.
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