

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5052 of 2016

Shekh Sadab, Aged About 30 Years, S/o Shekh Jamil, R/o Sardar Vallabh Bhai Patel, Ward No. 11, Arjunda, District (Revenue)-Balod, District (Civil)-Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Basantpur, District Rajnandgaon Chhattisgarh.

---- Respondent

For applicant - Shri Yogesh Pandey, Advocate.
For Respondent/State – Shri Arvind Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

1/09/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 14/07/2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.38/2016 registered in Police Station Basantpur, Distt. Rajnandgaon (C.G.) for offence punishable under sections 457, 380 of IPC.
3. As per the prosecution case, in the night of 27/01/2016 the applicant alongwith co-accused entered into the house of one Feruram Verma and committed theft of gold and silver ornaments, one laptop and 15 sarees. Thereby, offence is committed.
4. Learned counsel for the applicant submits that another co-accused Suraj Yadav has been enlarged on bail in M.Cr.C. No.4206/2016 on 29/08/2016 since seizure witnesses namely Laxminarayn Sahu and Tileshwari Sahu have not supported the case of the prosecution. He submits that therefore the applicant may be released on bail.
5. Learned State counsel do not dispute the fact that seizure witnesses have not supported the case of the prosecution.

6. Considering the facts and circumstances of the case and also for the fact that co-accused Suraj Yadav has been enlarged on bail in M.Cr.C. No.4206/2016 on 29/08/2016, this court is inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE