

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5409 of 2016

1. Arvind Sharma, S/o. Damodar Sharma, Caste-Brahman, aged about 27 years, R/o. Village-Chhilathi, P.O. Dimhala, P.S. - Sihor, Tehsil – Narwar, District – Shivpuri (M.P.). Present address : Kunjvihar Colony, Kamla College, Road, Ward No.21, P.S. - Basantpur, District – Rajnandgaon (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : P.S. - Dongergarh, District – Rajnandgaon (C.G.)

---- Respondent

For Applicant : Mr. H.S. Ahluwalia, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/09/2016

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.289/2016, registered at Police Station – Dongargarh, District – Rajnandgaon (C.G.) for the offence punishable under Section 457, 380 of Indian Penal Code.
2. Case of the prosecution, in brief, is that in the intervening night of 21-22/07.2016, certain articles were stolen from the Idea Mobile Tower worth Rs.59,500/-. Subsequently after two days, while the police were patrolling, one co-accused, Rupesh Yadav was apprehended and on investigation, it was found that the applicant along with other co-accused have committed theft. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that no evidence is available against this applicant and only on the basis of presumption, the applicant has been arrested and no seizure is made from the applicant and even the memorandum of Rupesh Yadav has not been recorded. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 24.07.2016, therefore, the 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, he is not able to dispute the fact that no seizure is made from the present applicant.
5. I have heard learned counsel appearing for the parties.
6. Considering the evidence collected by the prosecution against the applicant and further considering the facts and circumstances of the case, charge-sheet in this case has been filed and the applicant is in jail since 24.07.2016, 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