

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5698 of 2016

1. Mohd. Naved, S/o. Mohd. Matin, aged about 20 years, R/o. Chandmari, near Circuit House, Raigarh, Tahsil and District – Raigarh (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – City Kotwali, District – Raigarh (C.G.)

---- Respondent

For Applicant	: Mr. Ashish Gupta, Advocate
For Respondent/State	: Ms. Shobha Kashyap, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/09/2016

1. This is the second 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.299/2016, registered at Police Station – City Kotwali, District – Raigarh (C.G.) for the offence punishable under Section 392/34 of Indian Penal Code. The first bail application was dismissed as withdrawn vide order dated 21.07.2016 in M.Cr.C. No.3955/2016 with liberty to move again after filing of the charge-sheet.
2. Case of the prosecution, in brief, is that a report was made by Santram Gupta that on 15.05.2016, the applicant along with other co-accused made a robbery of Samsung mobile belonged to the complainant. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the mobile which was

seized has not been identified and it is not probable that at the time of the FIR, the entire IMEI number can be remembered. It is further submitted that identification of the applicant has not been carried out and the allegations have been attributed to the other accused. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 14.06.2016, 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 facts and circumstances of the case and the fact that the applicant was not identified and further taking into the degree of allegation, charge-sheet in this case has been filed, 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 each 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