

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5918 of 2016

Jagmohan Sahu S/o Girdhari Ram Sahu, Aged About 30 Years, R/o Village Parsada Kala, Police Station Fingeshwar, District Gariyaband, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Fingeshwar, District Gariyaband, Chhattisgarh.

---- Respondent

For applicant - Shri Rajesh Kumar Tiwari, Advocate.
For Respondent/State – Shri Lav Sharma, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

28/09/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.19/2015 registered in Police Station Fingeshwar, District Gariyaband (C.G.) for offence punishable under sections 380 of Indian Penal Code.
2. As per the prosecution case, a report was made by one Jivrakhanlal Sahu on 25/01/2015 who is In-charge of Paddy Collection Center, Parsada that computer has been stolen. Subsequently, computer was recovered from the possession of the applicant who was also working there. Thereby, offence is committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that in the FIR and the seizure, denomination and price completely varies and seizure witnesses namely Balikram Sahu and Thakur Ram Sahu have also not supported the case of prosecution including complainant Jivrakhanlal Sahu. He placed his reliance to the statement of the said witnesses and submits that in view of this the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail,

however he is not able to dispute the fact that complainant Jivrakhanlal Sahu as also two of the seizure witnesses have not supported the case of the prosecution.

5. Considering the facts and circumstances of the case, complainant and the seizure witnesses since they have not supported the case of the prosecution, this court is inclined to release the applicant on bail.

6. 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