

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6003 of 2016

- Sagardas @ Sagar Pandey S/O Shri Shyamdas Pandey Aged About 21 Years R/O Village Kurchundi, Post Office & Police Station Basna, District Mahasamund, Chhattisgarh. Present R/O Siddharth Chowk, Near Kamal Kiraya Bhandar, House Of Shyam Lal Sahu, Post Office Raipur, Police Station Tikrapara, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Tikrapara, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent/State : Mr. Luv Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03-10-2016

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 on 13-8-2016 in connection with Crime No. 124 of 2016 registered at Police Station Tikrapara, District Raipur (CG) for the offence punishable under Sections 457 & 380 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the complainant Kunal Kakariya that he was doing the business of Ceramic Tiles. On 22-3-2016 present applicant along with other co-accused persons had committed theft of Ceramic Tiles from his godown which were amounting to Rs.90,000/- and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case and in fact the entire theft was committed by one Imran which is evident from the bail order dated 22-9-2016 of Sameer wherein complainant Kunaal Khakhriya had given an

affidavit before the trial Court during bail hearing of Sameer @ Mohseen Khan that the entire theft was committed by one Imran. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 13-08-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statements of witnesses and the complainant and also the bail order dated 22-9-2016 of Sameer which records that complainant Kunaal Khakhriya had given an affidavit that the entire theft was alleged to have been committed by Imran.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant, further considering the statements of the witnesses and the complainant and also the bail order dated 22-0-2016 of Sameer and also the fact that the charge-sheet has been filed and the applicant is in jail since 13-8-2016, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

