

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6360 of 2016

- Shankar Gauraha S/O Late Suresh Gauraha Aged About 18 Years
R/O Ashok Nagar, Atal Awash, L / 7, Bilaspur, Tahsil & District
Bilaspur Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The Police Station Kotwali, District -
Bilaspur Chhattisgarh

---- Respondent

For Applicant : Mrs. Renu Kochar, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18-10-2016

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 7-8-2016 in connection with Crime No. 290 of 2016, registered at Police Station Kotwali, District Bilaspur (CG) for the offence punishable under Section 380 of the IPC.
2. Case of the prosecution, in brief, is that on 7-8-2016 a report was made by complainant Mahesh Soni that on 24-2-2016 in his shop silver articles namely Tazib/Locket, two pair old payal and two pair of old Bhichiya were stolen. Subsequently, recovery of the stolen ornaments was made from the applicant and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, he has not

committed any offence. It is further submitted that the alleged incident took place on 24-2-2016 whereas the report was lodged on 7-8-2016 whereby there is delay of six months in lodging the report. The ornaments which are alleged to have been stolen did not match with the first information report wherein it shows the discrepancies of ornaments. Therefore, the applicant has been falsely implicated in the case. It is further submitted that charge-sheet has been filed in this case, the applicant is in jail since 7-8-2016 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 other documents.
6. Taking into consideration the facts and circumstances of the case and further considering the delay of six months in lodging the report and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 7-8-2016, this court is inclined to release the applicant on bail.
7. 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