

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7011 of 2016

- Basant Rajwade S/o Rama Ram Rajwade, Aged About 30 Years
Caste Rajwar, R/o Village Naya Karkoli, Police Station Bhatgaon,
Tahsil Bhaiyathan, District Surajpur Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Bhatgaon District Surajpur Chhattisgarh

---- Respondent

For Applicant : Mr. Ashok Kumar Shukla, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10-11-2016

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 22-8-2016 in connection with Crime No. 139 of 2016, registered at Police Station Bhatgaon, District Surajpur (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 Sukhmaniya Rajwade that on 16-8-2016 theft took place in her house wherein gold mohar worth Rs.11,000/- and cash Rs.1100/- were stolen. Subsequently, the applicant was arrested on 22-8-2016 and from his possession gold mohar was recovered and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that there was delay of six days in lodging the first information report

and no explanation has been given by the prosecution. The gold mohar which was seized has not been identified and the price of gold mohar was shown in the seizure memo as Rs. 14,000/- whereas in the first information report it was shown as Rs.11,000/-. He would further submit that the applicant has been falsely implicated in this case, charge-sheet has been filed in this case, the applicant is in jail since 22-8-2016 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, nature of allegations leveled against the applicant and further considering the fact that there is no identification of the goods and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 22-8-2016, 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

