

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6911 of 2016

- Bitanu Basor S/o Kashi Basor, Aged About 30 Years R/o Village Rokda, Police Station Kolhari, Tehsil Manendragarh, District Korea, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Manendragarh, District Korea, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Shakti Raj Sinha, Advocate.
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.11.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 159/2016 registered at P.S. Manendragarh, Distt. Korea (C.G) for the offence punishable under Sections 457, 380, 411, 34 of IPC.
2. As per the prosecution case, in the intervening night of 7th & 8th May, 2016 a theft was committed in the house of complainant Rajesh Mishra and certain gold and silver ornaments were stolen. Subsequently on investigation it was revealed that the applicant along-with other co-accused has committed theft and the stolen ornaments were recovered.
3. Learned counsel for the applicant would submit that the ornaments which were alleged to be recovered on the memorandum have not been put to identification and there is no evidence to show that the same articles were stolen. He further submits that the charge sheet has been filed; no

further investigation is necessary and the applicant is in jail since 10.06.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that the the stolen ornaments were not subjected to identification.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case especially the fact that no identification of stolen ornaments has been made in this case; charge sheet has been filed; no further investigation is necessary and looking to the period of detention of the applicant as he is stated to be in jail since 10.06.2016, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**