

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6990 of 2016

- Laxminarayan @ Sonu S/o Late Babla Prasad Dhiwar, Aged About 19 Years R/o Village Boriyakhurd, Police Station Tikrapara, Tehsil & District Raipur, Chhattisgarh.

---- **Petitioner**

Versus

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

---- **Respondent**

For Applicant : Mr. P.P. Sahu, 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 14-5-2016 in connection with Crime No. 90 of 2016, registered at Police Station Tikrapara, Raipur, 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 Kavita Sahu that in the intervening night of 4-3-2016 & 5-3-2016 theft took place in her house wherein one gold chain weighing 9.100 grams and cash Rs.10,000/- were stolen. Subsequently, the applicant was arrested on 14-5-2016 and from his possession gold chain was recovered which was identified.

3. Learned counsel appearing for the applicant would submit that the gold chain which is alleged to have been stolen was different from weighment of gold chain which has been seized, therefore, it would indicate that the seized gold chain is 7 grams whereas the alleged theft of chain was 9.100 grams, therefore, the gold chains are different. 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 14-5-2016 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 charge-sheet in this case has been filed and the applicant is in jail since 14-5-2016, 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

