

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6973 of 2016

- Shivshankar @ Senggo Shrivastava S/o Arun Shrivastava Aged About 22 Years R/o Behind Durga Mandir, Kushalpur, Police Station Purani Basti, Raipur Tahsil & District Raipur, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Police Station Purani Basti, Raipur District Raipur, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Satish Chandra Verma, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09-11-2016

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 7-6-2016 in connection with Crime No. 316 of 2015, registered at Police Station Purani Basti, Raipur, District Raipur (CG) for the offence punishable under Sections 457 and 380 of the IPC.
2. Case of the prosecution, in brief, is that on 15-11-2015 a report was made by the complainant Digeshwar Vaishnav that when he came back to his house, the door of the house was found to be broken and TV, DVD player and cash Rs.10,000/- were stolen. Subsequently, one Keshav Yadav was arrested and on his memorandum, present applicant was arrested.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case and only on

the memorandum of other co-accused Keshav Yadav, an amount of Rs.170/- has been recovered from the present applicant, therefore, no evidence is available against the present applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 7-6-2016 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 nature of recovery of Rs.170/- which was made from the applicant and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 7-6-2016, 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