

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7200 of 2016

1. Baffadar Ali, S/o. Shri Afsar Ali, (Musalman), aged about 29 years,
 2. Javed Ali, S/o. Bablu Ali, aged about 23 years,
- Both R/o. Nurani Chowk, Patel Nagar Police Station, Jonk, District – Nuvapara (Orissa)

----Applicants

Versus

1. State of Chhattisgarh, Through : Police Station – Kotwali, Rajnandgaon, District – Rajnandgaon (C.G.)

---- Respondent

For Applicants : Mr. Dhirendra Pandey, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/11/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.536/2016, registered at Police Station – Kotwali, District – Rajnandgaon (C.G.) for the offence punishable under Section 380, 454, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by one Vivek Kumar Agrawal that on 08.08.2016 he went to market and his father is in the shop then the present applicants along with other co-accused have committed theft of Ring, Bali and Chain and

ornaments from the shop. Subsequently one of the accused Saiyyad Gulam Ali has been arrested and on his memorandum, it was recovered that the present applicants along with Saiyyad Gulam Ali has committed the theft. Thereby the offence has been committed.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case only on the basis of memorandum of Saiyyad Gulam and in CCTV footage only Saiyyad Gulam has been shown to have entered into the shop and he has been identified and the present applicants and the ornaments which has been recovered from the present applicants belonged to them. It is further submitted that the applicants are in jail since 20.08.2016, therefore, the counsel prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Perusal of the documents shows that one of the co-accused Saiyyad Gulam has been identified on the basis of CCTV footage, who entered into the shop. Taking into the statement of the complainant and the identification parade, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram