

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7231 of 2016

1. Ehsaan Mohammad, S/o. Hakimulla, aged about 35 years, R/o. Gautam Nagar, Khursipar, Bhilai P.S. - Khursipar, Tahsil & District – Durg (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : District Magistrate, Durg, District-Durg (C.G.)

---- Respondent

For Applicant : Mr. Arvind Dubey, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/11/2016

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 applicant who has been arrested in connection with Crime No.308/2016, registered at Police Station – Chhawni, District – Durg (C.G.) for the offence punishable under Section 457, 380, 414 & 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by Taravati Verma, complainant on 19.05.2016 that in the intervening night of 18-19/05/2016 a theft took place in her house and ornaments were stolen. Subsequently, D. Nitesh was arrested and on his memorandum it is found that the said ornaments have been kept in the custody of the present applicant. Thereby the applicant tried to conceal the stolen goods knowingly. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and there is no evidence against the applicant and only on the memorandum statement, the applicant has been inculpated. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 22.06.2016, therefore, the counsel prays that the applicant 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. Considering the facts and circumstances of the case and taking into the nature of offence and the degree of allegation further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 22.06.2016, this Court is of the opinion that present is a fit case, in which, the applicant 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 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge