

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7245 of 2016

- Shekhar Yadav S/o Bodhram Yadav Aged About 24 Years R/o - Rajeev Nagar, Kotra Road, Raigarh, Police Station City Kotwali, Tahsil & District Raigarh Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through - Station House Officer Of The Police Station Kotra Road, District - Raigarh Chhattisgarh (Wrongly Mentioned As District Magistrate)

---- **Respondent**

For Applicant : Mr. Abhishek Saraf, 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 for grant of regular bail to the applicant who has been arrested on 7-6-2016 in connection with Crime No. 41 of 2016, registered at Police Station Korra Road, District Raigarh (CG) for the offence punishable under Section 457, 380/34 of the IPC.
2. Case of the prosecution, in brief, is that on 17-2-2016 a report was made by the complainant that in the intervening night of 16-2-2016 & 17-2-2016 theft has taken place in his house whereby certain ornaments have been stolen.
3. Learned counsel appearing for the applicant would submit that there is no evidence against the applicant. There are two other co-accused persons namely Sagar Sahu and Amit Patel from whom one *payal* was seized and no seizure was made from the present applicant and he has been inculpated on the statement of other co-

accused persons. 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, nature of evidence available against the applicant and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 7-6-2016, I am inclined 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