

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7363 of 2016

- Satish Kumar Gautam S/o Raghu Raj Gautam Aged About 29 Years R/o Near Century Garden, Baniyapara, Tehsil - Dhamtari, Police Station City Kotwali, Revenue & Civil District - Dhamtari Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh Through Station House Officer R. P. F. Post - Raipur, Revenue & Civil District Raipur Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Sarfaraj Khan, Advocate
For the Respondent	:	Mr. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.12.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 16 of 2016 registered at Police Station R.P.F.Post Raipur, Distt. Raipur (C.G) for the offence punishable under Section 3 (a) of the Railway Property (Unlawful Possession) Act, 1966.
2. As per the prosecution case, in the intervening night of 18th & 19th Sept. 2016 the applicant and other accused Kishan Naik who were sweepers in the Railways along-with one Poornachandra who was a clerk have misappropriated and taken away Rs.1,76,436/- from the Almirah of Railway office of Dhamtari Station. Subsequently, on investigation it was revealed that the applicant along-with other accused has committed the offence. Thereafter, Rs. 1,28,300/- was recovered from the room of present applicant who was sharing with other co-accused.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and only on the basis of recovery of cash, the applicant has been arrested. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and other documents.
6. Considering the facts and circumstances of the case especially the fact that recovery of cash was made; charge sheet has been filed and the applicant is in jail since 07.10.2016, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**