

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7428 of 2016

1. Narendra Kumar Sahu, S/o. Arun Kumar Sahu, aged about 24 years,
R/o. Village- Dhaur, P.S. - Utai, Tahsil and District – Durg (C.G.)

----Applicant

Versus

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

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate

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 applicant who has been arrested in connection with Crime No.251/2016, registered at Police Station – Utai, District – Durg (C.G.) for the offence punishable under Section 420 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 18.09.2016, the applicant went to the house of the Ferhi Bai and told her that he wanted to check the latrine, which is being constructed at the behest of the government. Thereafter, took a photograph and asked the lady to took out the ornaments so as to take another photograph and while ornaments were taken out, the applicant took it and fled away. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is further submitted that

charge-sheet in this case has been filed and no further investigation is necessary, offence is triable by JMFC and the applicant is in jail since 18.09.2016, 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. Perused the case diary and the documents. Considering the facts and circumstances of the case, taking into the fact that the applicant has not been identified, charge-sheet in this case has been filed and the applicant is in jail since 18.09.2016, without any further observation on merit, 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