

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7488 of 2016

- Vasudev @ Vasu Chandra s/o. Kaushal Prasad Chandra aged about 23 years, r/o. Village Kusumjhar, PS Dabhra, District Janjgir-Champa (CG).

--- Petitioner

Vs.

- State of Chhattisgarh through District Magistrate, Janjgir, District Janjgir Champa (CG).

– Respondent

For Applicant : Mr. Basant Dewangan, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13-12-2016

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 31-7-2016 in connection with Crime No. 153 of 2016, registered at Police Station Malkhrauda, District Janjgir Champa (CG) for the offence punishable under Section 394, 457 and 324 of the IPC.
2. Case of the prosecution, in brief, is that in the intervening night of 26/27-7-2016, the applicant entered into the house of complainant Smt. Teel Bai and snatched locket from her neck and when it was objected by the husband of the complainant, he was stabbed by knife and thereafter the applicant fled away and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, though the goods have been seized, they have not been identified and there is no evidence against

the applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 31-7-2016 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. However, he does not dispute the fact that neither the applicant nor the seized goods have been identified.
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 allegations leveled against the applicant and further considering the fact that seized goods have not been identified and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 31-7-2016, this court is 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