

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7877 of 2016

Tekram, S/o. Bhurwa Sahu, Aged About 35 Years, R/o. Village Baya, Chowki Baya, Police Station Rajadevri, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station Rajadevri, District - Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. S.K.Guha, Advocate

For Respondent : 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 in connection with Crime No.54/2016 registered at Police Station- Rajadevri, District Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 457, 380 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 31.10.2016 a report was made by the complainant Ku. Samarin Sahu that when she came back in the house, she found that the door of the house was broken and theft has been committed of chain, ring and ear rings alongwith cash, total Rs.40,000/-. Subsequently, it was found that the said theft was committed by minor Ashish Balaji which was subsequently taken away by the present applicant.
3. Learned counsel for the applicant would submit that though seizure is said to have been made from the present applicant on

the memorandum but the goods have not been identified. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the goods seized have not been identified.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and taking into fact that the goods have not been identified and the charge sheet has been filed, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge