

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7943 of 2016

- Ashok Basor S/o Ramroop Basor, Aged About 35 Years Caste-Basor, R/o Village- Rokda, Police Station- Kelhari, Tehsil-Manendragarh, District- Korea Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Chirmiri, District- Korea Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Shakti Raj Sinha, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14-12-2016

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 13-6-2016 in connection with Crime No. 178 of 2016, registered at Police Station Chirmiri, District Korea (CG) for the offence punishable under Sections 457, 380, 411, 34 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the complainant that in the intervening night of 30/31-5-2016, theft took place in his house whereby gold ornaments and cash Rs.8000/- were stolen. Subsequently, when co-accused persons were arrested, on their memorandum it was revealed that the applicant has received the stolen articles from the accused persons and different persons and sold the same to jewelery shop 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 and the offence is triable by the Judicial Magistrate First Class. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 13-6-2016 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 and further considering the fact that the offence is triable by the JMFC and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 13-6-2016, 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