

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8063 of 2016

Ku. Ambika Nayak, D/o. Shri Jasketan Nayak, Aged About 18 Years, R/o.
Village : Baldha, Police Station Bomuguda, District Balangir (Orissa).
Present Residing : At Aasha Bricks, Bhanpuri, Raipur, Chhattisgarh,
Mobile No. 9516926770

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station
G.R.P. Govt. Railway Raipur, District : Raipur, 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

20/12/2016

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.167/2015 registered at Police Station- GRP, Govt. Railway Police, District Raipur (C.G.) for the offence punishable under Section 379, 380, 411 of Indian Penal Code.
2. As per the prosecution case, a report was made on 12.07.2015 that a mobile was stolen, subsequently, the present applicant was traced and was found to have been using the said mobile, which was of the complainant and on enquiry, it revealed that the present applicant has purchased the said mobile from a person.
3. Learned counsel for the applicant would submit that the applicant is a bonafide purchaser as she purchased the mobile for a valuation consideration and she has not committed theft of the

mobile and she is in jail since 21.11.2016, therefore, she may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case, degree of allegation against the present applicant and taking into fact that the applicant is in jail since 21.11.2016, 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 her appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge