

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8149 of 2016

- Kalim Bakhsh @ Baba S/o Late Madar Bakhsh Aged About 38 Years R/o Near Talapara Pound Near Ramjani Baba Madar Police Station Civil Line Bilaspur Revenue & Civil District Bilaspur Chhattisgarh ----- **Applicant**

Versus

- State of Chhattisgarh through the Police Station Sarkanda, District Bilaspur Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Pravin Tulsyan, Advocate
For the Respondent	:	Mr. Arvind Shukla, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.12.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 674/2016 registered at Police station Sarkanda, District Bilaspur (C.G) for the offence punishable under Sections 380, 457 & 511 of IPC.
2. As per the prosecution case, a report was made by one Sanjay Vishwakarma that on 04.10.2016 the present applicant entered into a nursing home and tried to steal away the things and in such process he was caught in the store room.
3. Learned counsel for the applicant would submit that the applicant was mentally retarded which would be evident from the rejection order of the Court below and while the applicant was being taken for treatment, all of a sudden, he alighted from the Auto and ran into the nursing home and as

such no offence has been committed. He further submits that the charge sheet has been filed and the applicant is in jail since 05.10.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the order of the court below wherein it is recorded that the applicant is mentally retarded and he is being treated in jail.
6. Taking into such facts and circumstances of the case especially the fact that the charge sheet has been filed and the applicant is in jail since 05.10.2016, I am inclined to release her on regular bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**