

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8219 of 2016

Om Kaleshwar @ Lala Chakradhari, S/o. Thakur Ram Chakradhari, Aged About 18 Years, R/o. Bazar Chowk, Raipura, Police Station D.D. Nagar, Tahsil & District Raipur, Chhattisgarh. Mobile No. 8385281814

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Purani Basti, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. C.R.Sahu, Advocate

For Respondent : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/12/2016

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.359/2016 registered at Police Station- Purani Basti, Raipur, District Raipur (C.G.) for the offence punishable under Section 392 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 29.09.2016, a report was made by one Mukesh Kumar Sonkar that on 04.09.2016 the applicant alongwith other co-accused intercepted his way while he was going back and looted Rs.1200/- and two mobile phones. Subsequently, the report was made against the present applicant.
3. Learned counsel for the applicant would submit that delay has not been explained in lodging the FIR and the FIR is by name and the statement under Section 161 was also recorded on 30.09.2016;

consequently, false allegations have been attributed to this applicant, therefore, he 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. The report is made on 29.09.2016 for the alleged offence committed on 04.09.2016. Considering the facts and circumstances of the case and the delay caused in lodging FIR and further taking into the degree of allegation and the fact that 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