

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 7443 OF 2017

Rajdeo Kurrey, S/o Shri Mangi Lal, aged about 20 years, R/o Satya Nagar,
Ameri, P.S. Civil Lines, Tahsil & District Bilaspur (C.G.)

... Applicant

versus

State of Chhattisgarh, through P.S. Civil Line, District Bilaspur (C.G.)

... Respondent

MISC. CRIMINAL CASE NO. 7448 OF 2017

Rajdeo Kurrey, S/o Shri Mangi Lal, aged about 20 years, R/o Satya Nagar,
Ameri, P.S. Civil Lines, Tahsil & District Bilaspur (C.G.)

... Applicant

versus

State of Chhattisgarh, through P.S. Civil Line, Distt. Bilaspur (CG)

... Respondent

For Applicants	:	Mr. Dheerendra Pandey, Advocate.
For Respondent-State	:	Mr. Gary Mukhopadhyay, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/12/2017

1. These two applications under Section 439 of CrPC have been filed seeking grant of bail to the Applicant who is in jail since 9.8.2017 in two different crimes i.e. Crime No.561/2017 and Crime No.593/2017 registered as same Police Station- Civil Line, District Bilaspur, for the same offence punishable under Sections 457, 380 of IPC.
2. M.Cr.C. No.7443/2017 is in respect of Crime No.561/2017 whereas M.Cr.C. No.7448/2017 is in respect of Crime No.593/2017.
3. Allegation against the Applicant as per the prosecution case is that the Applicant is said to have committed theft at one of the Community Centers and the house of one Sanjay Tiwari. It is alleged that a mike and amplifier unit of the said Community Center have been recovered from the Applicant. Likewise, there were certain silver utensils and other articles also recovered from the possession of the Applicant, which is said to have been stolen from the house of the said Sanjay Tiwari.

4. Learned Counsel for the Applicant submits that there is no material available in the case diary with which it could be suggested that the prosecution has been able to collect strong material to implicate the Applicant in the instant case and that it is only the memorandum statement of the Applicant which is being used against him and thus the Applicant may be released on bail.

5. Learned Counsel for the State however opposing the bail application submits that there are past antecedents against the Applicant of theft and that there is recovery also made from the Applicant's possession which prima facie establishes the offence and thus he prays for the rejection of the bail application.

6. Having considered the contentions put forth on either side and on perusal of record, it prima facie reflects that the identification of the articles which is said to have been recovered from the possession of the Applicant have not been made from either of the complainants in the crimes and that except for the memorandum statement, prima facie there does not appear any strong material available in the case diary. Given the facts and circumstances of the case, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicant.

7. Accordingly, both the bail applications i.e. M.Cr.C. No.7443/2017 and M.Cr.C. No.7448/2017 are allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum, **in each case**, to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge