

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1336 of 2017

- Sumit Mirchandani S/o Dilip Mirchandani, Aged About 25 Years R/o Ashok Nagar, Naya Sarkanda, Police Station Sarkanda, Tahsil Bilaspur, Civil & Revenue District Bilaspur, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh acting through Offoier Incharge, Police Station City Kotwali, Bilaspur, Civil & Revenue District Bilaspur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Devesh G. Kela, Advocate
For the Respondent	:	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.03.2017

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. 37/2017 registered at Police Station City Kotwali, Bilaspur, Distt. Bilaspur (C.G) for the offence punishable under Sections 454, 380 & 411 of IPC.
2. As per the prosecution case, a report was made by Jai Prakash on 31.1.2017 that on 18.08.2016 from his bag house, 86 bags were stolen by the present applicant. Thereafter, on investigation the bags were seized from him thereby the offence is committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated; the bags were kept in the police station itself and in fact the seizure was not made in person from the applicant. He further submits that no explanation has been given as to why the delay of more

than 4 months in filing the report. He further submits that the applicant has also filed an application before the Inspector General of Police, Bilaspur that he is likely to be inculpated in this case and false seizure was being made, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary. It appears that the incident took place on 18.8.2016 and the report has been lodged on 31.1.2017. Considering the facts and circumstances of the case especially the fact that there is delay of more than 4 1/2 months in filing the report and no explanation has been given about such delay, I am inclined to allow the bail application.
6. 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 for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**