

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8616 of 2016

- Devilal Yadav S/o Harishchandra, Aged About 21 Years R/o Kachhar, Police Station- Koni, District- Bilaspur Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through- The Station House Officer, Police Station- City Kotwali, Bilaspur, District- Bilaspur Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Suryakant Mishra, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12-01-2017

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 on 6-12-2016 in connection with Crime No. 337 of 2016, registered at Police Station City Kotwali, Bilaspur, District Bilaspur (CG) for the offence punishable under Sections 380 & 41, 34 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the complainant Sanjay Patel that on 13-6-2016 when he slept in his house, someone had stolen his mobile phone (Samsung J-2). Subsequently, on investigation on the basis of IMEI (International Mobile Equipment Identity) number of his mobile, applicant and other co-accused persons were arrested and the mobile phone was recovered and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, the applicant

has been arrested on basis of memorandum statement of other co-accused and recovery has already been made. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 6-12-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegation and degree of offence and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 6-12-2016, this court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju