

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 190 of 2017

- Shivkumar Soni S/o Mahesh Prasad Soni, Aged About 19 Years R/o Village- Manika Chetma, Ward No. 11, Village Panchayat- Chetma, Police Station- Patan, District- Palamu, Jharkhand. --- **Applicant**

Versus

- State of Chhattisgarh through- Police Station- Chandraura, District- Surajpur Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Ravi Bhagat, Advocate
For the Respondent	:	Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24.01.2017

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. 52/2016 registered at P.S. Chandraura, District Surajpur, Chhattisgarh. (C.G) for the offence punishable under Sections 457 & 380/34 of IPC.
2. As per the prosecution case, on 17.08.2016 a theft took place in the shop of Rahul Gupta wherein certain mobiles and grocery articles were taken away. Subsequently the present applicant and two others were apprehended and from the present applicant, out of 40 mobiles, 21 were recovered, thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the memorandum of co-accused would show that the main allegations would be on other accused Supet Sori and Ashok Khairwar who are brothers-in-law and the applicant has not committed the offence, therefore, the applicant may be

enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the documents. From the present applicant 21 mobiles appear to have been recovered which is supported by the bills submitted by the complainant.
6. Taking into such fact, I am not inclined to allow this bail application. Accordingly, the bail application is dismissed.

Sd/-
GOUTAM BHADURI
JUDGE

R a o