

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 456 of 2017

- Milan Kumar Mohbe S/o Rajkumar Mohbe, Aged About 21 Years R/o Near Shitla Mandir, Kashi Ram Nagar, Police Station- Telibandha, Tahsil And District- Raipur Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through- Police Station- Telibandha, District- Raipur Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Deversh Thakur, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02-02-2017

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 20-10-2016 in connection with Crime No. 325 of 2016, registered at Police Station Telibandha, District Raipur (CG) for the offence punishable under Sections 457 & 380 of IPC.
2. Case of the prosecution, in brief, is that on 17-10-2016 a report was made by the complainant Bhagoliram Sahu that theft took place in his house whereby gold and silver ornaments were stolen. Subsequently the applicant was arrested and from his possession Mangalsootra and ring were seized which were identified 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, all the goods which were seized belong to the applicant. He would further submit

that charge-sheet has been filed in this case, the applicant is in jail since 20-10-2016 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 and further considering the fact that the ornaments have been identified by the complainant and the evidence available against the applicant, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju