

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 396 of 2017

Saddam Khan, S/o. Sagir Khan (wrongly mentioned in order impugned),
Aged About 22 Years, R/o. Mouharkhar Kota, Police Station & Tahsil Kota,
Revenue & Civil District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Police Station Kota, District Bilaspur,
Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K.Tulsyan, Advocate

For Respondent : Mr. Vivek Singhal, 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 in connection with Crime No.264/2015 registered at Police Station- Kota, District Bilaspur (C.G.) for the offence punishable under Section 457, 380 & 34 of the Indian Penal Code.
2. As per the prosecution case, in between 06.08.2015 to 11.08.2015 from Krishi Kalyan Kendra, Kota, one Laptop, three indoor AC and three outdoor AC were stolen and subsequently one Rajak Khan was arrested and on his memorandum, one AC was recovered from the present applicant.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the AC has been seized after one year and the same has not been identified also. He further submits

that the charge sheet has been filed and no further investigation is necessary, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts & circumstances of the case and the fact that AC appears to have not been identified, without any observation on merit, taking into the nature of allegation against the present applicant and the fact that the charge sheet has been filed and he is in jail since 25.09.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge