

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 547 of 2017

- Razzak Khan @ Raja Khan S/o Taj Mohd. Khan Aged About 21 Years R/o Firangipara 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

06/02/2017

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 the present applicant was arrested and on his memorandum, one AC was recovered from the co-accused Saddam Khan.
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. It is also submitted that similarly placed co-accused Saddam Khan has been enlarged on bail by this Court in M.Cr.C.

No. 396/2017 on 02.02.2017, therefore, the present applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail. However, he do not dispute the fact that similarly placed co-accused Saddam Khan has been enlarged on bail by this Court.
5. Perused the case diary and the documents. Taking into the nature of allegations levelled against the present applicant and the stolen AC appears to have not been identified and and further considering the facts & circumstances of the case especially the facts that the charge sheet has been filed; applicant is in jail since 25.09.2016 and similarly placed co-accused has been enlarged on bail by this Court, 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