

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 922 of 2017

- Farukh Khan S/o Israk, Aged About 20 Years (Wrongly Mentioned As Isfaque In The Bail Rejection Order) Khan, R/o Village Mauharkhar, Police Station Kota, Civil & Revenue District Bilaspur Chhattisgarh
--- Applicant

Versus

- State of Chhattisgarh through Station House Officer, Police Station Kota, District Bilaspur Chhattisgarh
--- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/02/2017

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, stolen goods recovered from the present applicant and co-accused Saddam Khan.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the stolen goods like AC and other things have been seized after one year and the same have not been identified also. He further submits that the charge sheet has been filed and no further investigation is necessary. He further submits 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 also be enlarged 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 has been enlarged on bail by this Court.
5. Perused the case diary and the documents. Considering the facts & circumstances of the case and the nature of allegations levelled against the applicant as also considering the fact that the person against whom similar allegations were levelled has been enlarged on bail by this Court whereas the applicant is in jail since 26.09.2016, I am inclined to allow this bail application.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed and the applicant is directed to be released on bail on his 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