

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 994 of 2017

1. Ganesh Kahar, S/o. Late Shyam Lal Kahar Aged About 20 Years, R/o. Dr. Rajendra Nagar, Katoratalab, District- Raipur, Chhattisgarh.

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station- New Rajendra Nagar, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. C.P. Lahrey, Advocate
For Respondent/State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/03/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.147/2016, registered at Police Station – New Rajendra Nagar, Raipur, District – Raipur (C.G.) for the offence punishable under Section 379 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 14.08.2016 when the complainant had went to market at Vijay Complex, his mobile Galaxy F-5 was stolen. Subsequently, the accused was arrested and from his possession mobile was seized. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and he has not stolen the mobile and it was in abandoned condition and charge-sheet in this case has been filed and the applicant is in jail since 16.08.2016, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Considering the facts and circumstances of the case and taking into the nature of allegation levelled against the applicant and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 16.08.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge