

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1355 of 2017

Shekh Mustakin, S/o. Shekh Tasleem, Aged About 27 Years, R/o. Sakin- Taj Nagar, Santoshi Nagar, Thana- Tikrapara, Raipur, District- Raipur, Chhattisgarh. Permanent R/o. Teermohni, Thana- Gangapur, District- Dakshin Dinapur (W.B.).

----Applicant

Versus

State Of Chhattisgarh, Through : District Magistrate, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rohit Sharma, Advocate
For Respondent/State	: Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/03/2017

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.772/2016, registered at Police Station – Sarkanda, District – Bilaspur (C.G.) for the offence punishable under Section 457, 380 of Indian Penal Code.
2. As per the prosecution case, a report was made by one Rajesh Singh that on 31.10.2016 he went to celebrate the Deewali festival at Akaltara and on 02.11.2016 when he came back, certain jewellery, which was kept in the house i.e. five gold tops, three pendent, sliver ornaments, Rs.33,000/-, one Mobile and Camera were found to be stolen. Subsequently, the applicant was arrested on 23.11.2016, thereafter, the stolen goods were recovered.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the statement of Durgesh

would show that, who is the house owner at the relevant time he was not present. It is submitted that no identification is made of stolen goods. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 23.11.2016 and no further investigation is necessary, therefore, the counsel prays that 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. Perused the case diary and the documents. As appears, identification of stolen goods have not been made. Considering the facts and circumstances of the case, charge-sheet in this case has been filed and the applicant is in jail since 23.11.2016, 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