

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1543 of 2017

Jhadu Das, S/o. Baldev Das Manikpuri, Aged About 40 Years, R/o Village Umargaon, Police Station -Sihava, District- Dhamtari, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Of Police Station -Sihava, District -Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anil Gulati, Advocate
For Respondent/State	: Mr. Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/03/2017

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.109/2016, registered at Police Station – Sihava, District – Dhamtari (C.G.) for the offence punishable under Section 379 of the Indian Penal Code and 4 (21) of Mining Act.
2. As per the prosecution case, on 18.11.2016 on information received that the applicant is in possession of stolen diamonds on a raid being made, 19 pieces of diamonds worth Rs.1.00 Lakh was recovered for which he was not able to produce any documents. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that only on the apprehension, the applicant has been arrested, no evidence is on record that he has stolen the goods and no one has made report. It is further submitted that charge-sheet in this case has been filed and the seizure has already been made and the applicant is in jail since

18.11.2016, 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. Perused the case diary and the documents. Considering the facts and circumstances of the case, the nature of allegation, charge-sheet in this case has been filed and the applicant is in jail since 18.11.2016 and no further investigation is necessary, 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