

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1609 of 2017

Mohd. Abdulla, S/o. Vali Mohammad, Aged About 38 Years, R/o. Behind Girls School, Vaishali Nagar, Supela, Bhilai, District-Durg, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station -Supela, District- Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Jitendra Gupta, Advocate
For Respondent/State	: Mr. U.K.S. Chandel, 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.878/2016, registered at Police Station – Supela, District – Durg (C.G.) for the offence punishable under Section 379, 411 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 26.09.2016 a report was made by Manisha Marathe that while she was walking on the road, the present applicant came in the motor cycle and snatched gold chain from her neck which was worth Rs.30,000/- and fled away. Subsequently, the applicant was arrested and on his memorandum gold chain which was sold to one Santosh Das was recovered. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that neither there is identification nor the evidence is available against the present applicant and only on the presumption, the applicant has been

arrested. It is further submitted that other co-accused has been enlarged on bail, charge-sheet in this case has been filed and the applicant is in jail since 16.01.2017, 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 memorandum statement of the present applicant. On the basis of memorandum statement, part of chain was recovered from Santosh Das, which was sold to him. Considering such evidence, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge