

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4285 of 2017

Sukdev Chouhan S/o Shri Darun Chouhan Aged About 42
Years R/o Village- Ghutkupali, Tahsil And Police Station-
Pussour, District- Raigarh, Chhattisgarh --- **Petitioner**

Versus

State of Chhattisgarh through Station House Officer of the
Police Station- Pussour, District- Raigarh, Chhattisgarh
--- **Respondent**

For the applicant	:	Mr. Abhishek Saraf, Advocate.
For the Respondent	:	Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.11.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 97 of 2016 registered at Police Station Pussour, Distt. Raigarh (C.G) for the offences punishable under Sections 457, 380, 34 of IPC.
2. As per the prosecution case, a report was made by one Satyanand Mehar that in the intervening night of 22nd & 23rd of April, 2016 a theft took place and subsequently the applicant and other accused were arrested and from the possession of the present applicant, ornaments and cash of Rs.92,400/- total worth Rs.2 lakhs was seized.
3. Learned counsel for the applicant submits that the seizure was made after one year of the incident and the ornaments which was identified is completely unreliable since the identification was made by the seizure witnesses, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the case diary statements and documents.
6. Considering the facts and circumstances of the case, I do not find any reason to give a finding at this stage about the fact that who has identified the seized articles and who has made the seizure by usurping the power of trial Court and it is for the trial Court to adjudicate the same after assessing the entire evidence and facts. Therefore, I am not inclined to allow this bail application. Accordingly, it is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**