

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4788 of 2017**

- Khurendra Shukla S/o Khemraj Shukla Aged About 30 Years Caste - Brahmin, R/o Village- Kukusada, Police Station- Pathriya, District- Mungeli, Chhattisgarh. At- Present Police Station Baloda District- Janjgir- Champa, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through District Magistrate, District- Janjgir Champa, Chhattisgarh Police Station Baloda

---- Respondent

For Applicant	:	Shri Bhaskar Payashi, Advocate
For Respondent-State	:	Shri S.K. Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****20/11/2017**

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 07.05.2017 in connection with Crime No. 76/2017 registered at Police Station Baloda, District Janjgir Champa (CG) for the offence punishable under Sections 457 & 380 of the I.P.C.
2. As per the prosecution case, the present applicant, who was a constable in the police station, in the intervening night of 06.05.2017 & 07.05.2017 broke open the lock of Malkhana and stolen an amount of Rs.4,51,720/-. Subsequently, his identity was revealed from the C.C. T.V. Camera footage.
3. Learned counsel for the applicant submits that on 06.05.2017, the applicant

had proceeded on leave and it is quite unnatural that despite the police staff was on duty, how the lock was broke open in their presence, therefore, false allegations have been attributed to the applicant and he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statements of the witnesses. Considering the facts & circumstances of this case, nature of the allegations attributed to the applicant and also considering the fact that the occurrence happened in the police station, wherein presumably some one would be on duty and further as appears that there is no chance of tampering with the evidence and the applicant is in jail since 07.05.2017, I am inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri

Judge

Ashu