

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 135 of 2017

- Devesh @ Mukku Yadav S/o Rajeshwar Yadav, Aged About 22 Years
R/o Near Sheetla Chowk, Banjari Nagar, Police Station- D. D. Nagar,
Raipur, Raipur, District- Raipur Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Police Station- D. D. Nagar, District-
Raipur Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Anurag Singh, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.01.2017

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. 237/2016 registered at Police Station D.D. Nagar, Raipur, Distt. Raipur (C.G) for the offence punishable under Sections 454, 380 read with section 34 of IPC.
2. As per the prosecution case, one Sudhir Singh made a report on 02.10.2016 that theft of certain ornaments and cash which were kept in the house took place. Subsequently during investigation, the applicant and one other accused Nawab Khan were arrested and on the memorandum of Nawab Khan, the articles were seized.
3. Learned counsel for the applicant would submit that in this case, the applicant has been falsely implicated and no seizure was made in person from the present applicant and the entire seizure was made from other accused Nawab Khan. He further submits that the charge sheet has been

filed; no further investigation is necessary and the applicant is in jail since 13.10.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the documents. Considering the seizure which was made from accused Nawab Khan and not from the present applicant and further taking into the nature of evidence available against the applicant as also the fact that the charge sheet has been filed and the applicant is in jail since 13.10.2016, I am inclined to allow this bail application.
6. Accordingly, the bail 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 concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**