

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2505 of 2017

Aditya @ Tinni, S/o. Sharad Kashyap, aged about 19 years, R/o. Bharatmata Chowk Chandrapur, P.S. & Tahsil Chandrapur, District – Janjgir-Champa (C.G.).

----Applicant

Versus

State Of Chhattisgarh : Through: the Station House Officer, Police Station – and Tahsil Chandrapur, District- Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant	: Mr. B.M. Roy, Advocate
For Respondent/State	: Mr. Ramakant Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/05/2017

1. This is the second 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.02/2017, registered at Police Station – Chandrapur, District – Janjgir-Champa (C.G.) for the offence punishable under Section 457 & 380 r/w. Section 34 of the Indian Penal Code. The first bail application was dismissed as withdrawn with liberty to repeat the same after filing of the charge-sheet vide order dated 23.03.2017 in M.Cr.C. No.1591/2017.
2. As per the case of the prosecution, in brief, is that on 05.01.2017 a report was made by one Hemant Kumar, which was the care-taker of a house alleging that on 04.01.2017 after locking the house, he came back and subsequently when he went again on 05.01.2017 he found that lock of the door was broken and camera, garments, t-shirts and laptop worth Rs.50,000/- has been stolen. Subsequently, during the investigation, the applicant and other co-accused were arrested. Subsequently from the possession of the applicant one camera was

seized. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that this is second bail application. The first bail application was dismissed as withdrawn with liberty to repeat the same after filing of the charge-sheet and now the charge-sheet has been filed and no further investigation is necessary. It is further submitted that the applicant has been falsely implicated in this case and he is in jail since 08.01.2017, 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 documents. Perusal of the documents shows that the owner of the goods have not identified the goods. Considering the facts and circumstances of the case and the fact that charge-sheet in this case has been filed and no further investigation is required and the applicant is in jail since 08.01.2017, 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