

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5267 of 2017**

- Rajesh @ Chaka S/o Shri Bhagwan Das Bharti, Aged About 26 Years R/o Sant Ravidas Ward, Bhatapara, Tahsil Bhatapara, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Bhatapara (Urban) District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Amiyakant Tiwari, Advocate
For Respondent-State	:	Shri Anupam Dubey, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****13/09/2017**

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 11-7-2017 in connection with Crime No. 215 of 2017 registered at Police Station Bhatapara (Urban), District Balodabazar-Bhatapara (CG) for the offence punishable under Section 379 I.P.C.
2. As per the case of the prosecution a report was made on 10.07.2017 by one Ajit Kumar Nishad that when he went to the liquor shop and was standing in the queue at that time his mobile was stolen. Subsequently, the co-accused Guddu @ Sukha was arrested. In the memorandum statement of the co-accused Guddu @ Sukha it was revealed that the said mobile was given to the present applicant, therefore, the applicant was also arrested.
3. Learned counsel for the applicant would submit that no allegation is directly

attributed to the present applicant and only on the basis of the memorandum statement of the co-accused Guddu @ Sukha he has been inculpated. He would also submit that the charge-sheet in this case has been filed and no further investigation is necessary and the applicant is in jail since 11.07.2017, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the bail application.
5. Considering the entire facts situation of the case and the fact that the applicant is in jail since 11.07.2017, I am inclined to release the applicant on bail.
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 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