

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 652 of 2018**

Sheetal Sanwra, S/o. Mangal Sanwra, Aged about 20 years, R/o. Sant Ravidas Ward, Police Station Bhatapara, District Balodabazar-Bhatapara, Chhattisgarh

**---- Applicant****Versus**

State Of Chhattisgarh, Through Station House Officer Police Station City Kotwali, Balodabazar, District Balodabazar-Bhatapara, Chhattisgarh.

**----Non-applicant**

|               |   |                                  |
|---------------|---|----------------------------------|
| For Applicant | : | Mr. Sanjeev Kumar Sahu, Advocate |
| For State     | : | Ms. Sunita Jain, Panel Lawyer    |

**Hon'ble Shri Justice P. Sam Koshy****Order on Board****20/03/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 02/2017 registered at Police Station City Kotwali, Balodabazar, District Balodabazar-Bhatapara, Chhattisgarh for the offence punishable under Section 41 (1+4) Cr.P.C. and 379, 411 of Indian Penal Code.
2. The present applicant is in jail since 15.12.2017 in connection with the aforesaid Crime number.
3. The allegation as per the case of the prosecution is that the co-accused in the instant case Rakesh was arrested in connection with a case of theft of mobile. Two mobile sets were recovered from the co-accused Rakesh and on the memorandum statement; the present applicant was also arrested on 15.12.2007. As per the memorandum statement of co-accused Rakesh, the present applicant is the person who has stolen the property and handed it over to Rakesh.

4. The counsel for the applicant submits that except for the memorandum statement of the co-accused Rakesh, there is no other allegation or materials available with the prosecution for implicating the present applicant in the said case. He further submits that no recovery also was made from the present applicant and thus the present applicant deserves to be released on bail.
5. The State counsel however opposes the bail application and submits that the present applicant has a track record and there is a similar case against him of which the crime number is 541/2017 for the same offences, thus prayed for the rejection of the bail application.
6. Having heard the contentions put forth on either side and on perusal of record, considering the fact that there has been no recovery whatsoever made by the prosecution from the present applicant and that the only material against the present applicant is the memorandum statement of the co-accused Rakesh, this Court is of the opinion that prima facie a strong case has been made out for grant of bail to the applicant. Accordingly, the present application for grant of bail is allowed.
7. It is directed that the 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 Court for his appearance before the said Court as and when directed.

Sd/-  
**(P. Sam Koshy)**  
**Judge**