

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1427 of 2018**

Bhagwan Das Sahu S/o Babulal Sahu Aged About 30 Years R/o- Fokat Para, Kasaridih Durg, Tehsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- The District Magistrate, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri A.C. Sahu, Advocate.
For the Respondent/State : Shri Vivek Singhal, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****19.04.2018**

Heard.

1. This is the first 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.428 of 2017, registered at Outpost Padmanabhpur, Police Station – Durg, District – Durg, Chhattisgarh for the offence punishable under Sections 457 and 380 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 10.11.2017 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. The case is triable by the Judicial Magistrate First Class and the conclusion of the trial is likely to take some time for its final disposal. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. Heard counsel for both the parties and perused the case diary.
5. According to the prosecution case, some unknown persons committed theft of gold and silver ornaments from the house of complainant – Shushila Verma. After lodging of FIR and during investigation, at the instance of the applicant all the stolen articles were recovered from his possession. Hence, this case.
6. After due consideration, I am of the opinion that the case is triable by the Judicial Magistrate First Class and the applicant has no criminal antecedents. On the basis of these reasons, the application is allowed.
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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge