

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1652 of 2018**

Khileshwar Dhruv, S/o. Sitaram Dhruv, Aged About 20 Years, Caste- Gond,
R/o- Village- Ward No. 07, Jungal Para, Nagri, Post Office and Police Station-
Nagri, District- Dhamtari, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- The Station House Officer, Police Station-
Nagri, District- Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate
For State/respondent	: Mr. Sanjeev Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****23/04/2018**

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.90/2017, registered at Police Station – Nagri, District – Dhamtari (C.G.), for the offence punishable under Section 457 & 380, 411, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 12.11.2017. Charge-sheet has been filed after completion of investigation. No case is made out against the applicant on the basis of the material present in the charge-sheet. The case against the applicant is triable by Judicial Magistrate First Class. Therefore, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the case of the prosecution, a theft was committed in the house of the complainant – Mohan Kumar Chaurasiya and some gold, silver ornaments and some cash were stolen from his house. During the investigation, some articles have been recovered at the instance of the co-accused persons, whereas, no memorandum statement has been recorded of this applicant and neither any seizure has been made from him.
6. Considered on the submissions made and the contents of the case diary. Considering the entire material present in the case diary and further taking into consideration the facts and circumstances of the case, 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/-
(Rajendra Chandra Singh Samant)
Judge