

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 4446 of 2018**

Dhananjay Kumar Kashyap S/o Mahettar Kashyap, aged about 25 years, caste Kashyap, R/o village Salkhan, Police Station Shivrinarayan, District Janjgir-Champa, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through District Magistrate, Janjgir also through Police Station Nawagarh, District Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant	:	Ms. Laxmeen Kashyap, Advocate
For Respondent/State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****12/07/2018**

This is the first application filed u/s 439 of Cr.P.C. for grant of regular bail to the applicant who is in jail since 25.05.2018 in connection with Crime No. 26/2018 registered at Police Station- Nawagarh, District Janjgir-Champa (CG) for the offence punishable under Sections 457 & 380 of IPC.

2. The allegation against the present applicant as per the prosecution is that he in connivance with other accused persons is said to have entered into the locked premises of complainant Saroj Sahu and committed theft from there and in the process, cash of rupees seven thousand plus TV receiver and couple of mobile phones were stolen from the house of the complainant. From the possession of the present

applicant, a mobile phone of Lava Company of the complainant has been recovered.

3. Counsel for the applicant submits that the applicant has already remained in custody for a period of more than one month and therefore considering the nature of offence and the period of custody already undergone, the applicant may be released on bail.

4. State counsel, however, opposing the bail application submits that from the possession of the applicant, the mobile phone of the complainant has been recovered and therefore prima facie the offence stands established and for this reason, the applicant does not deserve to be released on bail.

5. Considering the facts and circumstances of the case, particularly taking note of the period of custody already undergone and that there is no past antecedent recorded against the applicant, this Court is of the opinion that it is a fit case where the applicant can be released on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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 before the said Court as and when directed.

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