

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7412 of 2018

Narayan Dhiwar S/o Sewak Ram Dhiwar Aged About 21 Years R/o
Ward No.07 Behind Govt. Hospital, Abhanpur Police Station
Abhanpur Raipur Civil & Revenue District Raipur Chhattisgarh.
--- **Petitioner**

Versus

State of Chhattisgarh through Station House Officer Police Station
Abhanpur, Civil & Revenue District Raipur Chhattisgarh.
--- **Respondent**

For the applicant	:	Mr. Manish Thakur, Advocate on behalf of Mr. AP. Sharma, Adv.
For the Respondent	:	Mr. Aditya Sharma, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.10.2018

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.88/2018 registered at Police Station Abhanpur, Distt. Raipur (C.G) for the offences punishable under Sections 380 & 454 of IPC.
2. As per the prosecution case, on 15.04.2018 the applicant along-with other accused has committed theft in the house of one Rajesh Gupta who lodged a report that certain ornaments worth Rs.30,000/- and cash of Rs.2200/- were stolen and subsequently on the basis of clues given by accused Mashruka, the present applicant Narayan Dhiwar and another accused Prakash Dhruv were were arrested and on their memoranudm, it was revealed that the present applicant was also involved in the crime.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated and on the memorandum of co-accused only cash of Rs.300/- was recovered from the present applicant and there is no evidence against him. He further submits that the applicant is in jail since 16.04.2018 and the charge sheet has been filed, therefore, he may be enlarged on bail.
 4. Per contra, learned State Counsel opposes the bail application and submits that the applicant is a habitual offender.
 5. Perused the case diary. Considering the nature of recovery made from the present applicant that is only cash of Rs.300/- was recovered from him and further looking to the fact that the applicant is in jail since 16.04.2018 and the charge sheet has been filed, I am inclined to allow this bail application.
 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 concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**