

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 8188 of 2018**

Rajesh S/o Hiradhar Lahre Aged About 35 Years By Caste Satnami,
R/o Village Kurda, Tahsil And Thana Malkharoda, District Janjgir
Champa Chhattisgarh

---- Applicant**Versus**

The State Of Chhattisgarh Through District Magistrate, Janjgir
District Janjgir Champa Chhattisgarh

----Non-applicant

For Applicant	:	Mr. Parag Kotecha, Advocate
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14/11/2018**

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. 376/2018 registered at Police Station Sakti, District Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 457, 380 of Indian Penal Code.
2. The present applicant is in jail since 18.09.2018 in connection with the aforesaid Crime number.
3. The allegation against the present applicant is that the present applicant is said to have illegally entered into the house of the complainant Santosh Kumar on 01.07.2018 and is said to have robbed two mobiles and cash of Rs.22,000/-. An F.I.R. was lodged after two days i.e. on 03.07.2018 and the present applicant was arrested only on 18.09.2018.

4. The contention of the applicant is that the applicant operates a Mobile shop and the alleged stolen mobile is one belonging to the applicant's shop and the complainant has lodged a false complaint with malafide intention on account of the business rivalry that the two have as the complainant also runs a Mobile shop.
5. The counsel for the applicant submits that the present applicant has already remained in jail for a period of about 2 months and considering the entirety of the case, the applicant may be released on bail.
6. The State counsel however opposes the bail application on the ground that the present applicant has committed the said act entering into the house of the complainant and considering the nature of the offence, he does not deserve to be released on bail.
7. Having heard the contentions put forth on either side and on perusal of the record, particularly taking into consideration the period of custody and the nature of offence, this Court is of the opinion that prima facie a fit case has been made out for grant of bail to the applicant. Accordingly, the present application for grant of bail is allowed.
8. 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