

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7727 of 2017**

Jasbeer Singh @ Jasse S/o Kashmeera Singh, Aged About 34 Years
R/o Khursipar, Zone 2, Balaji Nagar, Bhilai, Police Station Khursipar,
Tahsil And District Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Bhilai Bhatti, District Durg, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Arvind Dubey, Advocate.
For the Respondent/State	:	Shri Neeraj Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****20.02.2018**

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.140 of 2017, registered at Police Station Bhilai Bhatti, 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 15.9.2017 and he has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. No progress has taken place in the trial against him. The applicant is a local resident of District Durg and he is ready to abide by all the conditions that may be imposed on him. 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. It is submitted that the articles recovered at the instance of the applicant have been identified as the articles of theft and the circumstantial evidence is present against him. Hence, for these reasons, he is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. Complainant – H.R. Nagwanshi lodged FIR on 10.9.2017 that the theft has taken place from his place of residence and gold worth Rs.1,50,000/- with cash Rs.93,000/-. At the instance of the applicant, Jewellery and cash Rs.34,900/- was recovered. In TIP, the jewellery was identified by the complainant. Hence, this case.

6. Considering the submissions made and the contents of the case diary, as it appears that there is no criminal history of the applicant, the applicant is a local resident of District Durg and there shall be no difficulty in his availability during trial, I am of the considered view that no purpose would be served if the applicant is kept in detention for the whole period of trial. Hence, this application deserves to be allowed.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on 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