

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 8171 of 2018**

Yaspal Sahu S/o Shri Jagdish Prasad Sahu, Aged About 20 Years, R/o
Dabripara Bilaspur, Thana -Sarkanda, Tahsil Bilaspur, District Bilaspur
Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Thana Sarkanda
District Bilaspur Chhattisgarh

---- Respondent

For Applicant	:	Shri Mahesh Mishra, Advocate
For Respondent/State	:	Ms. Sunita Jain, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****13/11/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 29.09.2018 in connection with Crime No. 624/18 registered at Police Station - Sarkanda, District Bilaspur (CG) for the offence punishable under Sections 380 & 457 of IPC.

2. The allegation against the present application as per the prosecution is that the applicant and co-accused Om Prakash Sahu are said to have trespassed the house of the complainant Chandra Prakash Sharma and committed theft of jewellery worth Rs.1,50,000/- and cash of Rs.40,000/-. Subsequently, co-accused Om Prakash Sahu was arrested and from his possession cash of Rs.2,800/- and jewellery worth Rs.40,000/- were seized. On the memorandum statement of the co-accused, the present applicant has been arrested and from the possession of the applicant cash of

Rs.2,000/- and jewellery worth Rs.40,000/- were recovered.

3. Counsel for the applicant submits that the entire case of the prosecution rest upon the memorandum statement of the co-accused. He submits that even the recoveries which have been made from the possession of the applicant have not been identified to establish it to be the same which were stolen from the house of the Complainant. Thus, prayed for grant of bail.

4. State counsel, however, opposing the bail application submits that the applicant has not been able to provide satisfactory explanation to the jewelery that was recovered from his possession and also the cash which was recovered. She further submits that the present applicant has not remained in custody for a long period so as to enable him to be released on bail.

5. Given the facts and circumstances of the case, particularly taking note of the fact that the jewellery seized from the possession of the applicant has not been identified and also considering the period of custody undergone, this Court is of the opinion that prima facie a strong case for grant of bail has been made out.

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**