

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8559 of 2018**

- Shiparul Sheikh @ Shipai Sheikh, S/o Muttalim Sheikh, aged about 28 years, Resident of Hareknagar, P.S., Beldanga, District- Murashidabad (West Bengal)

---- Applicant**Versus**

- State of Chhattisgarh Through: Police Station House Officer, Police Station Gandhi Nagar, District - Surguja, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Sandeep Dubey, Advocate.
For Respondent/State	:	Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**27/11/2018**

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 96/2018, registered at Police Station – Gandhinagar, District - Surguja, (C.G.), for the offence punishable under Sections 454, 380 & 34 of the Indian Penal Code.
2. As per the prosecution story, on 03.05.2018, a report was lodged by one Ramadhir Bahadur Singh (Complainant) wherein it has been alleged that on 02.05.2018, some unknown persons stole some ornaments from his house amounting Rs. 4 to 5 lakhs. On the basis of the said report, offence has been registered. During course of investigation, in other crime No. 101/2018, registered at Police Station Gandhinagar, District- Surguja, (C.G.), other accused persons have been arrested. Their memorandum statements have been recorded. They have disclosed the fact that they alongwith the present Applicant, committed theft in the house of said Ramadhir Bahadur Singh.

Thereafter, the Applicant has been arrested on 20.07.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that there is no evidence against the Applicant on the basis of which any offence can be made out against him. No recovery has been made from the Applicant. He is in custody since 20.07.2018 and trial will take some time. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that offence is triable under JMFC, charge-sheet has already been filed, Applicant is in custody since 20.07.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 50,000/- with one local solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge