

HIGH COURT OF CHHATTISGARH AT BILASPURMCRC No. 1654 of 2019

Shekh Altaf S/o Late Shekh Dalliluddin Aged About 45 Years R/o 166,
Becharam Chaterjee Road, Parnashri, Police Station- Parnashri, Sarsuna
South 24, Parganas Sarsuna, West Bengal- 700061, West Bengal

---- Petitioner

Versus

State Of Chhattisgarh Through District- Magistrate, Durg, District- Durg,
Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For applicant	:	Ms. Saumya Sharma, Advocate.
For resp./State	:	Shri Rahul Mishra, Dy. GA

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/03/2019

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No. 141/2018 registered at Police Station Mohannagar, District Durg (C.G.) for the offence punishable under Section 457, 380, 34 of IPC.
2. Present applicant is in jail since 24/09/2018.
3. The case of the prosecution is that the present applicant is said to have committed theft in the house at Durg at Saket Colony and stolen cash, gold and silver ornaments and four mobiles worth Rs. 16.70 lakhs.
4. The counsel for the applicant submits that it is case where in which only for the reason of implicating the applicant in the said offence is memorandum of statement of the co-accused Vikas Naiya @ Tapan.

According to the counsel for the applicant except for the memorandum of statement of the co-accused, there is no other incriminating material collected in the course of investigation, so far as the present applicant is concerned. Therefore, contention of the petitioner is that though an amount of Rs. 5000/- has been recovered from his possession but the same also has not been either identified or established that it was the same money which was stolen from the house of the complainant.

5. The State counsel however opposing the bail application submits that, since the case of the co-accused Vikas Naiya @ Tapan already been rejected by this Court, thus present bail application also deserves to be rejected. He further submits that the nature of the offence and the manner in which crime was committed would not entitle the applicant bail.

6. Having heard the contentions put forth on either side and on perusal of record, particularly taking into consideration the submission by the State counsel who submits that except for the memorandum of statement of the co-accused Vikas Naiya @ Tapan and the alleged recovery of 5000/- from the possession of the applicant, there is no other material available implicating the applicant for the said offence. Thus, this Court is of the opinion that prima-facie, a strong case has been made out for grant of bail to the present applicant.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on their executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the

concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Rohit

Sd/-
(P. Sam Koshy)
JUDGE