

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7669 of 2021

1. Waseem Ali S/o Lala Ali, Aged About 20 Years
2. Hasan Ali S/o Rashid Ali, Aged About 23 Years

Both are R/o Nurani Chowk, Patel Nagar, Khariyar Road, Police Station - Jonk, District - Nuapada (Odisha)

---- Applicants

Versus

- State of Chhattisgarh Through - Station House Officer, Police Station Keregaon, District Dhamtari, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Mr. S. K. Kushwaha, Advocate
Ms. Anjali Singh, PL

Hon'ble Justice Shri Parth Prateem Sahu

Order On Board

02/12/2021

1. Applicants have filed this first bail application under Section 439 of CrPC for grant of regular bail, as they have been arrested in connection with Crime No.33/2021, registered at Police Station Keregaon, District Dhamtari (C.G.) for the offence punishable under Section 380/34 of IPC.
2. Case of prosecution is that on 05.08.2021, applicants with common intention went to jewellery shop situated at Dixit Colony, Dhamtari. They entered into shop as customer. While looking gold and silver jewellery, they committed theft of 11 gold rings, weighing 26 gms approx, estimated value of Rs.1,24,000/-. When the fact of theft came to the knowledge of complainant, he lodged report to

concerned police station on 06.08.2021 against unknown persons. During the course of investigation, Police arrested the applicants and recovered 5 gold rings from possession of applicant No.1 and 3 gold rings from applicant No.2. One motorcycle was also seized from possession of applicant No.1. They were arrested on 10.08.2021.

3. Mr. S. K. Kushwaha, learned counsel for the applicants, would submit that applicants have not committed any offence and they have been falsely implicated. The rings seized from their possession are of their own family members. There are no criminal antecedents against applicants. They are in jail since 10.08.2021, hence they may be enlarged on regular bail.
4. Ms. Anjali Singh, learned State counsel, would oppose the submission of learned counsel for the applicants and would submit that applicants have been identified from CCTV footage of the shop and after their arrest, 8 gold rings have been seized from their possession, hence they are not entitled for benefit of bail. However, on putting query with regard to criminal antecedents of applicants, learned State counsel after going through the case diary submits that there is no mention of any criminal antecedents against applicants in the case diary.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegation, the fact that applicants are the first offender not having any criminal antecedents, their pre-trial detention and offence to be triable by Magistrate, without commenting anything on the merits of the case, I am inclined to release the applicants on

bail.

7. Accordingly, the bail application is allowed. It is directed that the applicants shall be released on regular bail upon each of them furnishing a personal bail bond for a sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the Trial Court on the conditions that:-

(a) The applicants shall appear before the Trial Court regularly on each and every date unless exempted from appearance.

(b) The applicants shall not, in any manner, tamper with the prosecution witnesses.

(c) If the applicants are found involved in similar offence in the future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-

Parth Prateem Sahu
Judge

Nirala