

31/10/2011

Shri V.D. Sharma, Advocate for the applicant.

Shri M. Bharadwaj, Public Prosecutor for respondent / State.

They are heard. Perused the case diary.

This is first application under Section 439 of Cr.P.C. by the applicant for grant of bail. Applicant has been arrested in connection with crime no.15/2011 registered at Police Station Kailaras, District Morena under Section 380 of IPC.

As per prosecution case, on 26/9/2007 some unknown miscreants came at the house of the complainant and committed theft of gold and silver ornaments valuing Rs.1,36,000/-. FIR was lodged on 4/8/2011. Thereafter applicant was arrested and two gold rings were recovered from his possession. After investigation, charge-sheet has been filed.

Contention of the learned counsel for the applicant is that applicant has falsely been implicated in the case while he has not committed any offence. He has no nexus with the crime. The FIR has been lodged after four years of the incident. Therefore, prayed for grant of bail to the applicant.

Learned P.P. opposed the bail application and

prayed for its rejection.

Looking to the totality of facts and circumstances of the case, but without expressing any opinion on the merits of the case, this application is allowed and it is directed that applicant be enlarged on bail subject to his furnishing personal bond in the sum of **Rs.40,000/- (Rs. Forty Thousand Only)** with one solvent surety in the like amount to the satisfaction of the Trial Court for his regular appearance in the trial court during trial with condition that he shall remain present before the court concerned during trial and also comply with the conditions enumerated under Section 437(3) of Cr.P.C.

A copy of this order be sent to the concerned trial court for necessary compliance.

C.c. as per rules.

(G.D.Saxena)
Judge

Arun*