

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2354 of 2017

Akbar Husain Choudhary, S/o. Abdul Husain Choudhary, Aged About 32 Years, R/o. Baskandi Part 3, Kajirgram, Police Station Lakhipur, District Kashar (Assam), At Present Telibandha, Vidhayak Colony, Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Incharge, G.R.P. Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendra Bhardwaj, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28.04.2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.02/2017 registered at Police Station- G.R.P. Dongargarh, District Rajnandgaon (C.G.) for the offence punishable under Section 379 of Indian Penal Code. The first bail application was dismissed on 22.03.2017 in MCRC No.1550 of 2017.
2. Case of the prosecution, in brief, is that on 10.12.2016 the applicant was traveling with one Sheikh Shoeb Hassan in Train Shalimar Express S-13 Berth No.59, in between Rajnandgaon and Dongargarh Rs.1,50,000/- which was kept in the bag was stolen. Therefore, named FIR was made on 10.12.2016 at Gondia Station. Thereafter, on that basis, FIR has been registered on 17.01.2017.

3. Learned counsel for the applicant would submit that the first bail application was dismissed on 22.03.2017 and thereafter the charge sheet has been filed and false allegations have been attributed against the present applicant. He further submits that only Rs.360/- and mobile was seized, the money could not be identified and the applicant is in jail since 27.01.2017, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the fact that the charge sheet has been filed, the recovery of money was only Rs.360/- and the applicant is in jail since 27.01.2017, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing 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, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge