

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5802 of 2023

Shiv Shankar Ray S/o Late Anil Krishna Ray Aged About 43 Years
R/o- Laxmi Nagar, Pachpedi, Ganesh Gali, Tikrapara, Raipur, District-
Raipur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station-
Amleshwar, District- Durg (C.G.)

---- Respondent

For Applicant	:	Mr. Kamlesh Kumar Pandey, Advocate
For State	:	Mr. Aditya Tiwari, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

21/12/2023

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.69/2023 registered at Police Station -Amleshwar, District- Durg (CG) for the offence punishable under Sections 457, 380, 411, 34 of IPC.
2. Case of the prosecution, in brief, is that on 23.04.2023, when complainant returned back to his house, he found that lock of the main door of the house was broken. When he entered into house, he saw that the almirah kept in the house was also broken and some persons have committed theft of cash of Rs.12,000/- and gold and silver ornaments. Incident was

reported to concerned police station, based upon which, instant crime was registered initially against unknown persons. During course of investigation, applicant has been shown to be arrested in the instant crime also who was already arrested in Crime No.27/2023.

3. Learned counsel for the applicant would submit that applicant has been falsely implicated in the crime. He has not committed any such offence. Applicant was arrested wrongly in the crime No.27/2023 and when police came to know that similar offence is also committed, he has been shown to be involved in this crime also and shown his arrest in the instant crime. Gold and silver ornaments seized from possession of the applicant has not been put to test identification as to it is the same theft ornaments or not. Applicant is in jail since 01.06.2023 and therefore, he may be enlarged on regular bail.
4. Learned counsel for the State opposes the submission of learned counsel for the applicant and would submit that after arrest of the applicant, 24 gold and silver ornaments have been seized from possession of the applicant and therefore he is not entitled for grant of bail. However, upon asking, learned counsel for the State submits that as per document available in the charge sheet, gold and silver ornaments have not been put to test identification. He further contended that the applicant has been shown to be involved in Crime No.27/23, 70/23 and 71/23 and further his arrest has been shown on the same day.

5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegation, facts and circumstances of the case, submissions of learned counsel for the respective parties, in particular submission of learned counsel for the State that though three other crime numbers are shown to be registered against the applicant, however, the applicant has been shown to be arrested on same day in all the crime numbers, period of detention, without commenting anything on merits of the case, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail on his furnishing a bail bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the Court on the conditions that:-
 - a) Applicant shall appear before the trial Court regularly on each and every date, unless exempted from appearance.
 - b) Applicant shall not, in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Praveen