

5. It reflects that the applicant was arrested on 04.12.2021 and since then he is confined in judicial custody. It further reflects that initially the F.I.R. was lodged under section 392/397/34, P.P.C., subsequently after arrest of the present applicant, who was found using one of the mobile phones robbed from the complainant, Section 412, P.P.C. was added in the Charge Sheet. From the bare reading of Section 412, P.P.C. it appears that the same applies upon accused person who dishonestly receives or retains any stolen property, the possession whereof he knows or has reason to believe to have been transferred by the commission of dacoity.

6. In the instant matter, it is an admitted position that the alleged offence as reported in F.I.R. was committed by two unknown accused persons; hence, the same does not come within the definition of dacoity but robbery as defined under Section 391, P.P.C. The case against applicant for retaining robbed mobile phone at the most falls under Section 411, P.P.C. which is being punishable for 03 years does not falls within the prohibitory clause of Section 497, Cr.P.C. The law is very liberal especially when it is salutary principle of law that the offences which do not fall within the prohibitory clause, the grant of bail is a rule while its refusal is mere an exception. Accordingly, the applicant/accused is admitted to post-arrest bail subject to furnishing his solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and P.R. Bond in the like amount to the satisfaction of the trial Court.

CrI. Bail application stands disposed of.

JUDGE