

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6119 of 2015

1. Khilawan Sahu, S/o. Shital Das Sahu, Aged About 20 Years.
2. Sanjay Sahu, S/o. Late Vijay Sahu, Aged About 19 Years.

Both R/o. Village & Post Arjuni, P.S. & Tah. Dongargaon, Civil &
Rev. Distt. Rajnanadgaon, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Police Station Dongargaon, Distt.
Rajnandgaon, Chhattisgarh

---- Respondent

For Applicants : Mr. F.S.Khare, Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.238/2015 registered at Police Station- Dongargaon, District Rajnandgaon (C.G.) for the offence punishable under Section 457, 380 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a complaint was made by Yogesh Kumar Sonkar of village Arjuni where he is carrying on a medical shop alleging that on 16.08.2015 after comparison of the stock of godown of medical shop, it was found that few basket of medicines have been stolen. Subsequently, on investigation the said medicines were recovered from the house of Sanjay Sahu. As per the prosecution, the medicines were kept in the house of

Sanjay Sahu while it was jointly stolen by other co-accused namely Khilawan & Vijendra.

3. Learned counsel for the applicants submits that the charge sheet in this case has been filed and only Khilawan who is driver of the vehicle and Sanjay Sahu wherein the goods were kept have been falsely implicated. He further submits that the applicants have no knowledge about the theft and they kept the medicines only at the request of Vijendra Rajput, therefore, they may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that the charge sheet in this case has been filed and considering the gravity of offence and the fact that the seizure has already been made and looking to the detention of the applicants, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge