

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6451 of 2015

1. Manoj Kumar Kannauje, S/o. Jainlal Kannauje, aged about 30 years, R/o. Khappadwada, P.S. Ghumka, District – Rajnandgaon, Civil and Revenue District – Rajnandgaon (C.G.). Present R/o. Station Maroda, Bhilai, P.S. Newai, Tehsil and District – Durg (C.G.)
2. Preetam Kumar Gada, S/o. Deshiram Gada, aged about 40 years, R/o. Village Kesika, P.S. Kesika, District – Titlagarh (Oodisha). Present R/o. Station Maroda, Bhilai, P.S. Newai, Tehsil and District Durg (C.G.)

----Applicants

Versus

1. State Of Chhattisgarh, Through : S.H.O., Police Station – Bhilai Bhatthi, District – Durg (C.G.).

---- Respondent

For Applicants	: Mr. Avinash Chand Sahu, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.171/2015, registered at Police Station – Bhilai Bhatthi, District – Durg (C.G.) for the offence punishable under Section 447, 379, 34 of I.P.C.
2. Case of the prosecution, in brief, is that on 28.09.2015, Santro Car, wherein the applicants were travelling bearing No.CG-04-E-3900 and bearing No.C.G./04/B/3368 were being checked and found that brass casting were being carried out in the cars worth Rs.1,58,400/-, which belonged to the BSP and thereby the offence is committed.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case. He would further submit that charge sheet in this case has been filed. He would further submit that after seizure, no further evidence is required. He would further submit that the applicants are in jail since 28.09.2015, therefore, he prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that seizure has already been made and considering the degree of the offence and the way the offence has been committed and further taking in to the fact that the applicants are in jail since 28.09.2015 and the fact that the offence are triable by JMFC, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the 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