

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7074 of 2015

1. Husain Kumar Bharati S/o Amardas Bharati Aged About 45 Years R/o Village Mouha, Police Chouki Silyari, Police Station Dharsinva, Distt. Raipur, Chhattisgarh.
2. Chandraprakash Bharati S/o Pradip Kumar Bharati Aged About 28 Years R/o Village Mouha, Police Chouki Silyari, Police Station Dharsinva, Distt. Raipur, Chhattisgarh.
3. Tejpal Sonvani S/o Late Mohardas Sonvani Aged About 19 Years R/O Village Bhandarpuri, P.S. Arang, Distt. Raipur, Chhattisgarh. ... **Petitioners**

Versus

- The State of Chhattisgarh Through S.H.O. Police Station Dharsinwa, Raipur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Vikram Singh, Advocate
For the Respondent	:	Mr. Samir Singh Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.12.2015

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 331/2015 registered at P.S. Thana Dharsinva, Raipur (C.G) for the offence punishable under Sections. 457, 380 & 34 IPC.
2. The prosecution case, in brief, is that on 11.10.2015, a theft of submersible pump of Neeraj Kumar Gilhare was committed while it was kept for repairing. Subsequently, the report was made by the said complainant and on investigation, a pump was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the pump which was stolen is of Asian brand, however, the seized pump was made of Everest brand, consequently it cannot connect with the fact that the same pump was seized and

the applicants are innocents.

4. Per contra, learned State Counsel opposes the bail application.
5. Having regard to the totality of the facts and circumstances of the case and considering the fact that the charge sheet has been filed; the offence is triable by the JMFC; the seizure having been made no further investigation is necessary and further considering the nature of offence and degree of allegations and looking to the detention period of the applicants as they are stated to be in jail since 11.10.2015, I am inclined to enlarge the applicants on bail.
6. Accordingly, this application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.
7. C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**