

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6864 of 2015

1. Sanjay Kumar Joshi, S/o. Nohri Lal Joshi, aged about 38 years,
2. Ajay Kumar Joshi, S/o. Nohri Lal Joshi, aged about 42 years,
Both R/o. Parasatti, Police Station – Abhanpur, District – Raipur (C.G.)

----Applicants

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station-
Abhanpur, District – Raipur (C.G.)

---- Respondent

For Applicants : Mr. D.N. Prajapati, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/12/2015

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.290/2015, registered at Police Station – Abhanpur, District – Raipur (C.G.) for the offence punishable under Section 135 of Electricity Act, and Section 294, 506-B, 353 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant Sanjay Kumar Joshi has committed theft of electricity worth Rs.1,35,905/- and the applicant, Ajay Kumar Joshi has committed theft of electricity worth Rs.69,357/- and when it was caught and pointed out by the Officers of the Electricity Department, they were abused and threatened.
3. Learned counsel for the applicant would submit that the applicants have been falsely implicated in this case and the illegal demand was made which was objected by the applicants, therefore, the false report

has been made. He would further submit that the charge sheet in this case has been filed and the applicants are in jail since 31.10.2015, therefore, the counsel 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 facts and circumstances of the case and taking into consideration the nature and gravity of offence, further considering the fact that charge sheet in this case has been filed and the applicants are in jail since 31.10.2015, 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