

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7255 of 2015

1. Aminul Islam, S/o. Shri Masruf Ali, aged about 32 years,
2. Moti Shiekh, S/o. Shri Aahek Shiekh, aged about 26 years,
3. Badrul Shiekh, S/o. Shri Bahar Ali, aged about 30 years

All are R/o. Village-Nawapara, Gharghoda, Thana-Gharghoda, Civil and Revenue District – Raigarh (C.G.)

----Applicants

Versus

1. State Of Chhattisgarh, Through : the Station House Officer, Police Station – Gharghoda, District – Raigarh (C.G.)

---- Respondent

For Applicants : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/12/2015

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.03/2015, registered at Police Station – Gharghoda, District – Raigarh (C.G.) for the offence punishable under Section 41 (1-4) of Cr.P.C. and Section 379 of I.P.C.
2. Case of the prosecution, in brief, is that on information received, that the applicants, who are working as Kabadi have possessed with stolen wire, therefore, their houses were raided and near the house, 30 kg copper wire was seized
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case. He would further submit that the seizure has not been made from the person and it has only been seized near the house of the applicants. He would further submit that

the applicants are in jail since 24.11.2015, therefore, the counsel prays that the applicant 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 the gravity of offence and further considering the fact that the charge sheet in this case has been filed and the applicant is in jail since 24.11.2015, 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