

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5756 of 2015

1. Atma Ram Markam, S/o. Shri Harihar Singh, Aged About 21 Years, Occupation Agriculturist & Labourer, Caste Gond, R/o. Village Singhiya, P.S. Katghora, Tahsil Pondi – Uroda, District Korba, Chhattisgarh
2. Phool Singh, S/o. Shri Pawan Singh, Aged About 30 Years, Occupation Agriculturist & Labourer, Caste Gond, R/o, Village Singhiya, P.S. Katghora, Tahsil Pondi-Uroda, District Korba, Chhattisgarh

. ---- Applicants

Versus

State Of Chhattisgarh, Through: Station House Officer, P.S. Katghora, District Korba, Chhattisgarh .

---- Respondent

For Applicant : Mr. Basant Kaiwartya, Advocate

For Respondent : Mr. O.P.Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/11/2015

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.188/2015 registered at Police Station- Katghora, District Korba (C.G.) for the offence punishable under Sections 379/34 of Indian Penal Code & Section 3 & 5 of Prevention of Damages to Public Property Act.
2. Case of the prosecution is that the present applicants alongwith other co-accused have stolen electric wire owned by Kalptaru Power Transmission Limited in the month of May-June, 2015 and subsequently the said wires were recovered from the possession of the applicants.
3. Learned counsel for the applicants submits that the applicants are in jail since 02.08.2015 and the charge sheet has been filed. He further submits that the similarly placed co-accused has been

enlarged on bail by the co-ordinate Bench of this Court in M.Cr.C. No.5173/2015, therefore, the applicants may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and he submits that the case of other co-accused namely Sahasram, who has been enlarged on bail, is different as he was only the transporter of the wire.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts; considering the role played by the applicants; taking into fact that the charge sheet has been filed; considering the detention of the applicants that they are in jail since 02.08.2015 and the offence is triable by the JMFC, 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