

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6122 of 2015

1. Manohar Dhruv, S/o. Vishram Dhruv, Aged About 24 Years.
2. Lavkesh Markam, S/o. Gyansingh Markam, Aged About 28 Years.

Both R/o. Village - Jhalmala (wrongly mentioned as Jhamlami in the rejection order), Post Office & Police Station - Chilfhi, Tahsil - Bodla, District – Kabirdham, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station - Chilfhi, District - Kabirdham Chhattisgarh.

---- Respondent

For Applicants : Mr. Shivendu Pandya, Advocate

For Respondent : Mr. Ramakant Mishra, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/11/2015

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.42/2015 registered at Police Station- Chilfhi, District Kabirdham (C.G.) for the offence punishable under Section 379/34, 414 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicants have committed theft of motor pump in the agriculture field of the complainant Bhukhan Singh. Subsequently, it was came to the notice of the complainant that the applicant Manohar & Lavkesh had stolen the motor pump and it was kept with one Umesh and when the said person was interrogated it was also admitted by such Umesh that the applicants have stolen the motor pump which was kept by him. Thereafter the case was registered.

3. Learned counsel for the applicants submits that the applicants are in jail since 31.07.2015 and 05.08.2015 and the charge sheet in this case has been filed. He further submits that the offence is triable by the JMFC and therefore, the applicants may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that the charge sheet in this case has been filed; considering the nature of allegation and gravity of offence; looking to the detention of the applicants and the fact that the offence is triable by 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