

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 5115 OF 2015**

1. Ayodhya Chandravanshi, aged about 50 years, S/o Bakhat Chandravanshi, Occupation Kastkari, R/o Village Doganriya Kala, Police Station Pandatarai, District Kabirdham (C.G.)
2. Chhotu Chandravanshi aged about 48 years, S/o Gajanand Chandravanshi, Occupation Kastkari, R/o Village Doganriya Kala, Police Station Pandatarai, District Kabirdham (C.G.)
3. Khorbahra Malha, aged about 36 years, S/o Ghana Ram Malha, Occupation Labour, R/o Village & Police Station Pandatarai, District Kabirdham (C.G.)

---Applicants**Versus**

State of Chhattisgarh, Through : Police Station Pandatarai, Civil & Revenue District Kabirdham (C.G.)

---Non-applicant

For Applicants	:	Mr. Atanu Ghosh, Advocate
For Non-applicant	:	Mr. Ashutosh Pandey, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****28/09/2015**

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. 24/2015, registered at Police Station Pandatarai, Distt. Kabirdham (C.G.), for the offence punishable under Section 379/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that, on 18/03/2015 applicants have stolen fishes from the village Pond owned by Village Gram Panchayat despite ban on fishing and thereby committed aforesaid offence.
3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in offence

in question. He would further submit that wives of applicants are member of *Swashahata Samuh* to whom lease was granted earlier, as such, they were continuing in possession of lease. He would lastly submit that charge sheet has been filed and applicants are in jail since 09/09/2015, therefore, they may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicants in offence in question; pretrial detention of the applicants; charge sheet has already been filed and the lease was granted earlier to wives of the applicants, this Court is of the opinion that present is the fit case, in which, applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Code of Criminal Procedure is allowed.

8. It is directed that applicants, namely, Ayodhya Chandravanshi, Chhotu Chandravanshi and Khorbahra Malha, shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the trial Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE