

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 174 of 2016

Akash Sharma S/o Late Dilip Sharma Aged About 24 Years R/o Ward No. 11, Bemetara, Police Station Bemetara, Tehsil Bemetara, Civil & Revenue District Bemetara Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through : Station House Officer, Police Station City Kotwali Bemetara, Civil & Revenue District Bemetara, Chhattisgarh

---- Respondent

AND

MCRC No. 178 of 2016

Tularam Sahu S/o Santram Sahu Aged About 28 Years R/o Ganjpara Ward No. 11, Bemetara, Police Station Bemetara, Tehsil Bemetara, Civil & Revenue District Bemetara Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through : Station House Officer, Police Station City Kotwali Bemetara, Civil & Revenue District Bemetara Chhattisgarh

---- Respondent

For Applicants	:-	Mr. Umakant Singh Chandel, Advocate
For Respondent/ State	:-	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/01/2016

1. These are 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. 727/2015 registered at Police Station- City Kotwali, Bemetara District – Bemetara (C.G.) for the offence punishable under Sections 457, 380, 34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that, a complaint lodged by Dinesh Sharma alleging that in the intervening night of 19-20/11/2015 some unknown persons entered into his house and after breaking upon lock has stolen a Laptop, Mobile, 30 coins of silver, a silver glass, a silver plat, two golden chains, three golden tops and cash of Rs. 5,000/- was stolen from the house of the complainant. Thereafter, a report was made against these applicants and on the basis of the above report, the offence punishable under sections 457,380, 34 of Indian Penal Code was registered against the applicants. Subsequently, on the basis of memorandum statement of Tolaram, stolen articles were recovered from the possession of the applicants and it was found that the applicants were involved in the commission of crime.
3. Counsel for the applicants submits that the applicants have been falsely implicated in this case. He further submits that that on the basis of memorandum statement of Tolara, the applicants have been inculpated in this case. He further submits that in this case no identification parade was done. He further submits that the charge sheet has been filed and the applicants are in jail since 10.12.2015, therefore, they may be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Having regard to the fact and the nature of offence and the degree of allegations levelled against these applicants and the fact the charge sheet in this case has been filed and the applicants are in jail since 10.12.2015, this Court is inclined to release the applicants on bail.

6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant 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.

Sd/-
(Goutam Bhaduri)
Judge

Santosh