

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 1163 OF 2016**

1. Sheikh Basarat @ Sonu Khan aged about 24 years son of Sheikh Afajal Khan
2. Mohammad Rafique @ Raju Khan aged about 25 years son of Mohammad Habib

Both are caste Musalman occupation Labour resident of Rejarpara Sarangarh Tahsil Sarangarh District Raigarh C.G.

---Applicants**Versus**

State of Chhattisgarh through the Station House Officer Police Station Chandrapur Civil and Revenue District Janjgir-Champa C.G.

---Non-applicant

For Applicants	:	Mr. U.R. Koshaley, Advocate
For Non-applicant	:	Mr. Vivek Singhal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****09/03/2016**

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.126/2015, registered at Police Station Chandrapur, District Janjgir-Champa (C.G.), for the offence punishable under Sections 379, 34 of I.P.C.

2. Case of the prosecution, in brief, is that, applicants alleged to have found in possession of stolen property 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 the case. He would further submit that no useful purpose would be served by keeping them in jail. He would lastly submit that charge sheet has been filed and applicants are in jail since 29/08/2015, therefore, they may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

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 and consequent recovery of stolen property from the applicants, this Court is not inclined to release the applicants on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge