

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1443 of 2016

- Premdas S/o Badri Vaishnav Aged About 23 Years R/o
Jamatpara, Kawardha, Police Station & Tahsil - Kawardha,
District - Kabirdham Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police
Station - Pandatarai, District - Kabirdham Chhattisgarh

---- **Respondent**

MCRC No. 1447 of 2016

- Shivshankar Nath Goswami S/o Kodharnath Aged About 33
Years R/o Ward No. 20, Kawardha, District Kabirdham
Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police
Station Pandatarai, District Kabirdham Chhattisgarh.

---- **Respondent**

For the applicant(s)	:	Mr. Anup Majumdar, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.03.2016

1. The applicants have filed these second bail applications under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to them in connection with Crime No. 109 of 2015 registered at P.S. Pandatarai, Distt. Kabirdham (C.G) for the offence punishable under Section 454, 380 read with section 34 IPC. The first bail applications have been dismissed as withdrawn on 29.01.2016.
2. Since both these bail applications are arising out of the same crime number, they are decided together by this common order.

3. As per the prosecution case, on 13.11.2015 the applicants alongwith other co-accused were removing the batteries of a mobile tower and when the Security Guard tried to nab them, one of the accused was apprehended and arrested and the other accused fled away from the scene.
4. Learned counsel for the applicants submits that the charge sheet in this case has been filed and the applicants themselves were in the job of transporting of batteries and because of some dispute arose between the employer and employees, the false report has been filed. He further submits that Ram Charit who made the report has not supported the case of prosecution and similarly one seizure witness namely Ashish has also not supported the case of prosecution. He further submits that the charge sheet in this case has been filed and the applicants are in jail since 13/14th November, 2015, therefore, they may be enlarged on regular bail.
5. Per contra, learned State Counsel opposes the bail applications.
6. Taking into consideration the totality of the facts and circumstances and the degree of allegations against the applicants and considering the fact that complainant Ram Charit and seizure witness Ashish have not supported the case of prosecution as also the fact that the charge sheet in this case has been filed and looking to the period of detention of the applicants as they are stated to be in jail since 13th and 14th November, 2015, this Court is inclined to release them on bail. Accordingly, this applications are allowed.
7. The applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with

one surety each in the like sum to the satisfaction of the concerned trial Court. They are directed to appear before the trial Court as and when directed by the said Court.

8. C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**

Rao