

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2607 of 2016

1. Tukeshwar @ Ballu Gond S/O Shri Dilip Kumar Aged About 25 Years By Caste Gond, R/O Village Bhurkoni, Thana Tendukona, Tahsil Pithoura, Civil & Revenue District Mahasamund, Chhattisgarh.
2. Ganpat Gond S/O Shri Ram Singh Gond Aged About 21 Years R/O Village Jagdalla, Thana Tendukona, Tahsil Pithoura, Civil & Revenue District Mahasamund, Chhattisgarh.

---- Applicants

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Station Bagbahra, Civil & Revenue District Mahasamund, Chhattisgarh.

---- Respondent

For Applicants : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants who have been arrested on 7-2-2016 & 11-03-2016 in connection with Crime No.261/2015 registered at Police Station Bagbohra, District Mahasamund (CG) for the offence punishable under Sections 379, 411/34 of IPC and Section 136 of the Electricity Act.
2. As per the prosecution case, co-accused Rahul Nishad was arrested in Crime No.1/2016 thereafter on his memorandum it was revealed that said co-accused Rahul Nishad along with Baidnath, present applicants Tukeshwar @ Ballu Gond and Ganpat Gond has committed theft of transformer coil and copper wire in village Ganjar, Charbhata, Dehka, Mudagaon & Lakhangaon and subsequently sold the stolen material.
3. Learned counsel appearing for the applicants would submit that the case of the present applicants is similar nature of offence of the

co-accused persons Rahul Nishad and Baidnath Nishad who have already been granted bail vide order dated 24-06-2016 passed by this Court in M.Cr.C. No. 3090 of 2010. He would further submit that the charge-sheet has been filed in this case and the applicants are in jail since 7-2-2016 & 11-3-2016, therefore, they may be released on bail.

4. Learned State counsel does not dispute the aforesaid factual position.
5. Perused the cse diary and other documents.
6. Taking into consideration the degree of offence and nature of allegations leveled against the applicants, charge sheet has been filed in the case, applicants are in jail since 7-2-2016 and 11-3-2016 and further considering the fact that the co-accused Rahul Nishad and Baidnath Nishad have already been granted bail vide order dated 24-06-2016 passed by this Court in M.Cr.C.No. 3090 of 2016, I am inclined to release the applicants on bail.
7. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with onesurety in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
Judge

Raju