

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3462 of 2016

1. Sonu @ Upendra Nut, S/o. Jitendra Nut, age 25 years, R/o.Village-Gala Tahsil & P.S. - Pathalgaon, Civil and Revenue District – Jashpur (C.G.)
2. Prakash Kumar Nut, S/o. Heeralal Nut, age 31 years, R/o. Village-Shivpur, Tahsil & P.S. - Pathalgaon, Civil and Revenue District – Jashpur (C.G.)

---- Applicants

Versus

The State of Chhattisgarh, Through : Thana- Kotwali, Raigarh, District – Raigarh (C.G.)

----- Respondent

For Applicants	:	Ms. Upasna Mehta, Advocate
For Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

21/07/2016

1. This is 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. 569/2015, registered at Police Station- Kotwali - Raigarh, District – Raigarh (C.G.) for the offence punishable under Section 379/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 28.07.2015 a report was made by Rakesh Sharma that he had sent one Vijay Ratre to deposit Rs.1,00,000/- in the Bank and he kept the money in the dicky of the motor cycle that was stolen. Subsequently, the applicant was apprehended. Thereby the offence has been committed.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case only on the basis of recovery of

currency note of Rs.1500/- and Rs.1000/-. It is further submitted that charge-sheet in this case has been filed and the applicants are in jail since 15.09.2015, therefore, the counsel prays that the applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties.
6. Considering the facts and circumstances of the case and further considering the recovery made which is currency note of Rs.1500/- and Rs.1000/- and taking in to the fact that charge-sheet in this case has been filed and the applicants are in jail since 15.09.2015, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge