

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4430 of 2016

1. Rahul Nishad S/o Shri Dhansay Nishad Aged About 28 Years R/o Village Kodopali, Thana Tendukona, Police Outpost Bundeli, Tahsil Pithoura, Civil & Revenue District Mahasamund, Chhattisgarh.
2. Bednath Nishad S/o Dhansay Nishad Aged About 19 Years R/o Village Kodopali, Thana Tendukona, Police Outpost Bundeli, Tahsil Pithoura, Civil & Revenue District Mahasamund, Chhattisgarh. ---

Petitioners

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Pithoura, District Mahasamund, Chhattisgarh. -- **Respondent**

For the applicants	:	Mr. Sunil Kumar Sahu, Advocate
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.08.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 202/2015 registered at P.S. Pithoura Distt. Mahasamund (C.G) for the offence punishable under Sections 41(1-4) Cr.P.C., Section 379, 411 of IPC & Section 135 of the Electricity Act.
2. As per the prosecution case, applicant No.1 Rahul Nishad was arrested on 15.01.2016 in connection with another Crime number i.e., 01/2016 for the offence punishable u/s 41(1-4) Cr.P.C., 379, 411 of IPC and Section 135 of Electricity Act wherein his memorandum was recorded and it was stated that he with the help of Applicant No.2 Baidnath and other co-accused Tukeshwar & Ganpat Gond committed theft of copper coil from a transformer of village Pithoura, thereby the offence has been committed.

3. Learned counsel for the applicants would submit that only on presumption applicant Rahul Nishad has been arrested in crime No.1/2016 and on the basis of his memorandum, the applicants have been inculpated in all the cases and the copper wire which was said to be stolen from a particular transformer has not been identified, therefore, he submits that the applicants have been falsely implicated. It is further submitted that the charge sheet in this case has been filed and the applicants are in jail since 15.01.2016, therefore, they may be released on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary. Taking into fact that the applicants were arrested on the basis of memorandum recorded in other Crime Number as also the fact that the charge sheet in this case has been filed and the applicants are stated to be in jail since 15.01.2016, I am inclined to allow this application.
6. 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 one surety each 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.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE