

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5160 of 2016

1. Gopi Yadav, S/o. Nakul Yadav, Aged About 25 Years,
 2. Lav Yadav, S/o. Late Shriram Yadav, Aged About 26 Years,
- Both R/o. Shivpara, Durg, Tahsil & District Durg (C.G.)

---- Applicants

Versus

State Of Chhattisgarh, Through the District Magistrate, Durg,
District Durg (C.G.)

---- Respondent

For Applicant : Mr. Jitendra Gupta, Advocate

For Respondent : Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05.09.2016

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.483/2016 registered at Police Station- Durg, Distt. Durg (C.G.) for the offence punishable under Section 454, 380/34 of Indian Penal Code.
2. As per the prosecution case, on 20.06.2016 a report was made by Champa Lal Sen that certain utensils for cooking of food and gas cylinder were stolen. Subsequently, the applicants were arrested and one big Bowl, Caldron (*Kadai*) and one *Ganji* and Gas Cylinder was recovered from the possession of the applicants.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated and the charge sheet in this case has been filed. He further submits that the applicants were not in

possession of the goods seized and the goods have not been identified, therefore, the applicants may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case, nature of offence and degree of allegation and further considering the fact that the charge sheet has been filed and the applicants are in jail since 28.06.2016, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge