

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7493 of 2015

1. Laxman, S/o. Alkhu, Aged About 23 Years, Caste Pardhi, R/o. Village Ghotiya, Tahsil & Police Station Khairagarh, Distt. Rajnandgaon, Chhattisgarh.
2. Sir Singh, (correct name is Shiv Singh), S/o. Darshan, Aged About 40 Years, Caste Pardhi, R/o. Village Semariya, Police Station Kharsara, Tahsil & District Bemetara, Chhattisgarh.
3. Santa, S/o. Panchu, Aged About 22 Years, Caste Pardhi, R/o. Mahratola, Tahsil & P.S. Chhuriya, Distt. Rajnandgaon, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through the Police Station Chhuikhadan,
Distt. Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicants : Mr. Rakesh Pandey, Advocate

For Respondent : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12.01.2016

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.209/2015, registered at Police Station– Chhuikhadan, District Rajnandgaon (C.G.) for the offence punishable under Section 457 & 380 of IPC.
2. Case of the prosecution, in brief, is that the applicant along with other co-accused on intervening night of 27/28.07.2015 entered into the house of the complainant Thalendra Singh and committed theft of Gold & Silver ornaments. Subsequently, when the police

came to know that some persons were trying to sell ornaments, they were apprehended and the Gold & Silver ornaments were seized; thereby the offence has been registered.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case as the ornaments which have been seized from the applicants were neither matched in the weight nor in the description. He further submits that the charge sheet in this case has been filed and the applicants are in jail since 05.10.2015, therefore, they may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into the facts and circumstances of the case and the nature of allegations and decree of offence leveled against the applicants and further considering the fact that the charge sheet has been filed and the applicants are in jail since 05.10.2015, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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 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