

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 127 of 2016

1. Dhansingh Gond S/o Shri Pakaluram Gond Aged About 60 Years R/o Village Nawadih, Mudpar, Thana - Komakhan, Civil & Rev. Distt. Mahasamund Chhattisgarh.
2. Madan Gond S/o Shri Dhansingh Gond Aged About 35 Years R/o Village Nawadih, Mudpar, Thana - Komakhan, Civil & Rev. Distt. Mahasamund Chhattisgarh. **--- Petitioners**

Versus

- The State of Chhattisgarh through The Station House Officer, Police Station Komakhan, Distt. Mahasamund Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Sunil Sahu, Advocate.
For the Respondent	:	Mr. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicants in connection with Crime No. 119 of 2015 registered at Police Station Komakhan, Distt. Mahasamund (C.G) for the offence punishable under sections 379/34 of IPC.
2. As per the prosecution case, on 09.12.2015 complainant went to the house of applicants carrying a sum of Rs.65,000/- in his pocket and out of that amount, Rs.5000/- was given to applicant No.1 for repayment of loan. Thereafter he fell unconscious and the remaining amount of Rs.60,000/- was stolen by the applicants. When he regained consciousness, he found that the amount was stolen and asked for the amount but the applicants did not return. Thereafter a report was lodged and from the possession of applicant Madan Gond Rs.10,000 and from Dhan

Singh Rs.5000/- were recovered.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case and merely seizure of the currency notes from the applicants cannot be said to be a part of the recovery of the same currency notes. He further submits that the applicants are in jail since 10.12.2015 and they may be released on bail.
4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the case diary and other documents.
6. Taking into the totality of the facts and circumstances of the case and considering nature of offence and the degree of allegations levelled against the applicants as also the fact that the applicants are in jail since 10.12.2015, I am inclined to release them on bail.
7. Accordingly, this bail petition is allowed and the applicants are directed to be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the trial Court. They shall also appear before the trial Court as and when directed by the said Court.

Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**