

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1935 of 2016

1. Sharad, S/o. Shyamlal Nishad, aged about 19 years, R/o. Ward No.23, Subhash Nagar- Mahasamund, Police Station, Tahsil and District- Mahasamund (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : its Police Station – Mahasamund, District – Mahasamund (Chhattisgarh)

---- Respondent

AND

M.CR.C. No. 2271 of 2016

1. Domesah Sahu, S/o. Naresh Sahu, aged about 18 years, R/o. Ward No.24, Subhash Nagar, Mahasamund, Police Station, Tahsil and District - Mahasamund (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : its Police Station – Mahasamund, District – Mahasamund (Chhattisgarh)

---- Respondent

For Applicants	: Mr. Ravi Maheshwari, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/06/2016

1. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.01/2016,

registered at Police Station – Mahasamund, District – Mahasamund (C.G.) for the offence punishable under Section 41 (1+4), 379 read with Section 34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that the applicants were arrested on secrete information received and thereafter on interrogation it was revealed that they have committed theft at various places. Thereafter on their memorandum from the accused, Sharad, cycle and silver bowl was recovered and from the accused, Domesh Sahu, silver coin and key bunch was recovered, therefore, they have been apprehended.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. He further submits that seized article has not been identified and only on the basis of the apprehension, the applicants have been arrested. He further submits that charge-sheet in this case has been filed and the applicants are in jail since 06.02.2016, therefore, 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 appearing for the parties.
6. Considering the facts and circumstances of the case, the nature of recovery made and the fact that charge-sheet in this case has been filed, and the applicants are in jail since 06.02.2016, 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

Balram