

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**( Single Bench : Hon'ble Shri I.S. Uboweja, J )**

**MCRC No. 100 of 2016**

1. Mehzan Khan s/o. Razzam Khan aged about 50 years r/o. village Madanpur, Police Station Badedda, District Satna, Madhya Pradesh.
2. Santosh Jain w/o. Mehjan Khan aged about 48 years r/o. village Madanpur, P.S. Badedda, Distt. Satna, Madhya Pradesh.

**---- Applicants**

**Versus**

- State of Chhattisgarh Through Police Station Balrampur (Chalgali), Distt. Balrampur, Chhattisgarh.

**---- Respondent**

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For Applicants : Mr. Pawan Kesharwani, Advocate.

For respondent/State : Mr. Sameer Behar, Panel Lawyer.

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**Order on Board**

**(11-02-2016)**

1. Heard.
2. The applicants have moved this application under Section 439 of the Cr.P.C. for grant of regular bail, who have been arrested on 23-05-2015 in connection with Crime No. 38 of 2015 registered at Police Station Balarampur (Chalgali), District Balaram (CG), for the offence punishable under Section 379 of the IPC.
3. The case of the prosecution, in brief, is that on 17-5-2015 the present applicants have stolen the goats of the complainant and thereby they committed the aforesaid offence.
4. Learned counsel appearing for the applicants would submit that the applicants have not committed any offence and they have been falsely implicated in the case. The goats were found from the open place and same have not been seized from exclusive possession of the applicants. He would further submit that applicants are in

jail since 23-5-2015 and no further custodial interrogation of the applicants is required by the prosecution, therefore, present applicants may be released on bail.

5. On the other hand, learned State counsel opposes the bail application.
6. Taking into consideration the facts and circumstances of the case and nature of allegation leveled against the applicants, the applicants are in jail since 23-5-2015 and no further custodial interrogation of the applicants is required, I am of the considered opinion that *prima facie* it is a fit case where the applicants can be released on bail.
7. Accordingly, the application is allowed. It is ordered that applicants Mehzan Khan and Santosh Jain shall be released on bail on each of them furnishing a personal bond of Rs.25,000/- along with two sureties of the like amount to the satisfaction of the trial Court, Balrampur. They shall appear before the trial court on each and every date given to them by the said Court till disposal of the trial.
8. Certified copy as per rules.

Sd/-

**(I.S. Uboweja)**

Judge

Raju