

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2599 of 2016

- Ganpat Gond S/o Shri Ram Singh Gond Aged About 21 Years
R/o Village Jagdalla, Thana - Tendukona, Tahsil - Pithoura,
Civil and Rev. Distt. Mahasamund Chhattisgarh.-- **Petitioner**

Versus

- The State of Chhattisgarh through the Station House Officer,
Police Station Komakhan, Civil and Revenue District
Mahasamund Chhattisgarh. -- **Respondent**

For the applicant	:	Mr. Sunil Sahu, Advocate
For the Respondent	:	Mr. Vivek Singhal, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 106/2015 registered at P.S. Komakhan, Distt. Mahasamund (C.G) for the offence punishable under Sections 379, 411/34 IPC & Section 136 of the Electricity Act.
2. As per the prosecution case, co-accused Rahul Nishad was arrested in Crime No.1/2016, thereafter on his memorandum it was revealed that said co-accused Rahul alongwith Baidnath, present applicant Ganpat Gond and Tukeswar has committed theft of transformer coil and copper wire in villages Ganjar, Charbhata, Dehka, Mudagaon & Lakhegaon and subsequently sold the stolen material.
3. Learned counsel for the applicant submits that initially all the cases in which the applicant has been arrested were closed and having taken fresh permission, the applicant was arrested. He further submits that no evidence is available

against the applicant and only on the basis of memorandum of co-accused, applicant has been inculpated. It is further submitted that the charge sheet in this case has been filed and the applicant is in jail since 11.03.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and other documents.
6. Taking into consideration the degree of offence and nature of allegations as also the fact that the charge sheet in this case has been filed and the applicant is stated to be in jail since 11.03.2016, without any observation on the merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE