

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3088 of 2016

1. Rahul Nishad, S/o. Dhansai Nishad, Aged About 28 Years,
2. Baidnath Nishad, S/o. Dhansai Nishad, Aged About 19 Years,

Both are R/o. Village Kodopali, P.S. Tendukona, District
Mahasamund, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police
Station- Komakhan, District Mahasamund, Chhattisgarh

---- Respondent

For Applicants : Smt. Indira Tripathi, Advocate

For Respondent : Shri Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24.06.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No.106/2015 registered at Police Station Komakhan, District Mahasamund (C.G) for the offence punishable under Sections 379, 411/34 of Indian Penal Code.
2. As per the prosecution case, on a complaint made by Anil Kumar, the applicants Rahul Nishad and Baidnath Nishad were arrested on 16.01.2016 in Crime No.106/2015, thereafter on the memorandum, it was revealed that the applicants along-with other co-accused have committed theft of transformer coil, copper wire in villages Ganjar, Charbhata, Dehka, Mudagaon, Lakhegaon, Suarmal & Begamunda and subsequently sold the stolen material.
3. Learned counsel for the applicants submits that initially the cases were closed and subsequently the applicants have been inculpated

only on the memorandum of the co-accused and they have been falsely implicated for the crime committed by someone else. He further submits that the charge sheet has been filed and the applicants are in jail since 16.01.2016, therefore, the applicants may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and other documents. 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 applicants are stated to be in jail since 16.01.2016, without any observation on the merits of the case, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.

Sd/-
(Goutam Bhaduri)
Judge