

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3483 of 2016

1. Santosh Kumar Singh, S/o. Chandrabhushan Singh, aged about 37 years, Occupation – Agent Sahara India, R/o. Jute Mill, Phathamuda, Raigarh, District – Raigarh (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Officer – in-charge, Jute Mill Police Chowki, Police Station- City Kotwali, Raigarh, District- Raigarh (C.G.)

---- Respondent

AND

M.CR.C. No. 3549 of 2016

1. Prashant @ Banti Tiwari, S/o. Vijay Nath Tiwari, aged about 30 years, R/o. Kaharpara, Kabir Chowk, Raigarh, District – Raigarh (C.G.)
2. Ajay Jaiswal, S/o. Vijay Jaiswal, aged about 19 years, R/o. Fatahamuda, Raigarh, Tahsil and District – Raigarh (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Chowki- Jutmil, Police Station- Kotwali, District- Raigarh (C.G.)

---- Respondent

For Applicants : Mr. Vipin Punjabi and Mr. Raghavendra Pradhan,
Advocates

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/07/2016

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.328/2016, registered at Police Station – City Kotwali, Police Chowki- Jutmil, District – Raigarh (C.G.) for the offence punishable under Section 457,

380/34, 411 of the Indian Penal Code.

2. Case of the prosecution, in brief, is that a report was made by the Manager, Durga Vijay Prasad that from the ware house of the government, 12 bags of wheats were stolen from the go-down No.7. Subsequently on investigation it was found that wheat was stolen by Prashant @ Banti and Ajay Jaiswal, which was subsequently sold to Santosh Kumar Singh. Thereby the offence has been committed.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and there is delay of 12 days in lodging the report. Counsel for the applicant -Santosh Kumar Singh submits that he has not purchased the wheat and it was only kept outside his house. It is further submitted that charge-sheet in this case has been filed and the applicants are in jail since 03.06.2016, 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 degree of offence and the nature of allegation levelled against the applicants and further considering the fact that charge-sheet in this case has been filed and the applicants are in jail since 03.06.2016, 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 applications filed under Section 439 of the Cr.P.C. are 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