

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

**MCRC No. 3529 of 2016**

1. Shrawan Kumar S/O Babulal Mahar Aged About 21 Years R/O Village Baputola, O.P. Chichola, Police Station Chhuriya, District Rajnandgaon Chhattisgarh
2. Sahdev S/O Surajbhan Marar (Patel) Aged About 19 Years R/O Village - Bisahutola, O.P. Chichola, Police Station Chhuriya, District Rajnandgaon Chhattisgarh

**---- Applicants**

**Versus**

- State Of Chhattisgarh Through - Station House Officer, Police Station - Chhuriya, District Rajnandgaon Chhattisgarh

**---- Respondent**

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For Applicants : Mr. Abhishek Sharma, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**12.07.2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 13-05-2016 in connection with Crime No. 93 of 2016 registered at Police Station Chhuriya, District Rajnandgaon (CG) for the offence punishable under Sections 379, 34 of the IPC.
2. As per prosecution case, a report was made by the complainant Suresh Kumar that on 10-5-2016 the applicants have committed theft of 5 buffaloes from his courtyard and subsequently on a report being made, the same were recovered from the possession of the applicants and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case, seizure has

not been made correctly and identification is also doubtful. He would further submit that the offence is triable by the Judicial Magistrate First Class, charge-sheet has been filed in this case and the applicants are in jail since 13-05-2016, therefore, they may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail application.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the totality of the circumstances, nature of allegation leveled against the applicants and further considering the fact that the charge-sheet has been filed in this case and the applicants are in jail since 13-5-2016, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-  
**(Goutam Bhaduri)**  
Judge

Raju