

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5322 of 2016

1. Kailash Das, S/o. Muni Das, aged about 21 years, Caste- Mahant, R/o. Village- Chitwahi, P.S. - Tamnar, District – Raigarh (C.G.)
2. Varun, S/o. Khel Singh, aged about 22 years, Caste- Sidar, R/o. Village- Chitwahi, P.S. - Tamnar, District – Raigarh (C.G.)
3. Ghasiram, S/o. Arjun, aged about 24 years, Caste- Patel, R/o. Village- Dolesara, P.S. - Tamnar, District – Raigarh (C.G.).
4. Surajbhan, S/o. Natthu Sidar, aged about 25 years, Caste-Sidar, R/o. Village- Chitwahi, P.S. - Tamnar, District – Raigarh (C.G.).

----Applicants

Versus

1. State of Chhattisgarh, Through : the District Magistrate, Janjgir- Champa (C.G.)

---- Respondent

For Applicants	: Mr. Ishwar Jaiswal, Advocate
For Respondent/State	: Mr. Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/09/2016

1. This is the first bail application 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.4/2016, registered at Police Station – Sakti, District – Janjgir - Champa (C.G.) for the offence punishable under Section 457 & 380/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 29.12.2015, a report was made by Mukesh Kumar alleging that the applicants entered into the shop by breaking open the lock and committed theft of 15 mobiles and an amount of Rs.7,000/- total worth Rs.32,000/-. Thereby the offence has been committed.

3. Learned counsel for the applicants submits that only on the basis of the memorandum, the applicants have been inculpated in this case. He further submits that the applicants are in jail since 04.08.2016 and they have been falsely implicated in this case, therefore, the counsel prays that 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. Perused the case diary and the documents. Considering the facts and circumstances of the case, the nature of offence and the degree of allegation and further considering the fact that the applicants are in jail since 04.08.2016, 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 application filed under Section 439 of the Cr.P.C. is 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