

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5745 of 2016

1. Rupesh Yadav, aged about 30 years, S/o. Gayaneshwar Yadav, R/o. Indira Nagar, Rajnandgaon, District – Rajnandgaon (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : S.H.O. - Dongargarh, District – Rajnandgaon (C.G.)

---- Respondent

AND

M.CR.C. No. 5604 of 2016

1. Babar Malik, aged about 27 years, S/o. Nishar Malik, R/o. Present address : Junihatri Rajnandgaon (C.G.).

----Applicant

Versus

1. State of Chhattisgarh, Through : S.H.O. - Dongargarh, District – Rajnandgaon (C.G.)

---- Respondent

For Applicants	: Mr. Hemant Gupta, Advocate
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For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer
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Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/09/2016

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.289/2016, registered at Police Station – Dongargarh, District – Rajnandgaon (C.G.) for the offence punishable under Section 457, 380 of Indian Penal Code.
2. Case of the prosecution, in brief, is that in the intervening night of 21-22/07.2016, certain articles were stolen from the Idea Mobile

Tower worth Rs.59,500/-. Subsequently after two days, while the police were patrolling, one co-accused, Rupesh Yadav was apprehended and on investigation, it was found that the applicant along with other co-accused have committed the crime. Thereby the offence has been committed.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case and no evidence is available against the applicants and only on the basis of presumption, the applicants have been inculpated in this case. It is further submitted that similarly placed co-accused in this case has been enlarged on bail by this Court vide order dated 14.09.2016 in M.Cr.C.No. 5409/2016, 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, charge-sheet in this case has been filed and the applicants are in jail since 24.07.2016 and further considering the fact that similarly placed co-accused in this case has been enlarged on bail by this Court vide order dated 14.09.2016 in M.Cr.C.No. 5409/2016, 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