

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6442 of 2016

- Dhanna @ Dhannalal S/o Prakash Jangde Aged About 21 Years R/o Village Lachchhanpur, Police Station City Kotwali, Balodabazar, District Balodabazar-Bhatapara Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through The Incharge Police Chowki Karhi Bazar, Police Station Balodabazar, District Balodabazar-Bhatapara Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Anil Singh Rajput, Advocate
For the Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20.10.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 344 of 2016 registered at Police Chowki Karhi Bazar, Police Station Baloda Bazar, Distt. Balodabazar-Bhatapara (C.G) for the offence punishable under Sections 379, 34 of IPC.
2. As per the prosecution case, a report was made by one Shatrughan Banjare that in between 17/18.02.2016 one water motor pump was stolen by the applicant alongwith other co-accused from a school for which a report was made in the month of August, 2016. Subsequently on investigation, it was found that the applicant along-with co-accused Rishi Raj & Ravi Kumar Patle have stolen the said pump and the recovery was made from co-accused Rishi Raj thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the

applicant has been falsely implicated in this case and no evidence is available against him. It is further submitted that similarly placed co-accused Ravi Kumar Patle has been enlarged on bail by this Court in M.Cr.C.No.6288 of 2016 on 17.10.2016 and the present applicant is in jail since 30.08.2016, therefore, he may also be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that other co-accused against who similar allegations have been made has been enlarged on bail by this Court M.Cr.C.No.6288 of 2016.
5. Considering the fact that similarly placed co-accused has been enlarged on bail by this Court as also the facts that the recovery has been made from other accused and the applicant is in jail since 30.08.2016, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**