

## **HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 6962 of 2016**

1. Upendra @ Rajkumar Sahu, S/o. Sewaram Sahu, Aged About 23 Years.
2. Sheikh Imran (wrongly mentioned the name of the Applicant No. 2 as Sheikh Ikran in the rejection order and as per charge sheet the correct name is Sheikh Imran), S/o. Sheikh Gulam, Aged About 22 Years.

Both R/o. Sanjay Nagar, Tikrapara, Post Office - Raipur, Police Station- Tikrapara, District Raipur, Chhattisgarh

**---- Applicants**

**Versus**

State Of Chhattisgarh, Through the Station House Officer, Police Station – Kurud, District Dhamtari, Chhattisgarh.

**---- Respondent**

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For Applicants : Mr. Shivendu Pandya, Advocate

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

**Order On Board**

**10.11.2016**

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 in connection with Crime No.364/2016 registered at Police Station- Kurud, District Dhamtari (C.G.) for the offence punishable under Section 379/34 of Indian Penal Code.
2. As per the prosecution case, a report was made by Yashwant Giri & Narendra Sinha that auto wheel and battery of the vehicle has been stolen. Subsequently, the applicants have been arrested and from their possession two auto wheels and one battery was recovered, which belonged to the complainants; thereby the offence has been committed.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated and the goods which were seized

have not been identified. He further submits that the charge sheet has been filed and the applicants are in jail since 16.08.2016, therefore, they may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the fact & circumstances of the case, nature of offence & degree of allegation and the fact that the charge sheet has been filed and the applicants are in jail since 16.08.2016, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a 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.

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