

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7671 of 2016

1. Aman @ Raja, aged 19 years, S/o. Prem Lal, Caste-Suryawanshi (Christian).
2. Jogender, aged 20 years, S/o. Dukhu Ram, Caste-Suryawanshi,
Both are residents of village-Janjgir Bhatapara, Police Station -Janjgir, Tahsil and District Janjgir-Champa (C.G.)

----Applicants

Versus

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

---- Respondent

For Applicants : Mr. Ritesh Verma, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/12/2016

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.299/2016, registered at Police Station – Janjgir, District – Janjgir-Champa (C.G.) for the offence punishable under Section 457, 380 read with Section 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 08.07.2016, a report was made by Prameshwar Prasad that from his house certain ceiling fans were stolen. Subsequently, the applicants were arrested and

from their possession 1-1 ceiling fan along with bulb was seized.

Thereby the offence has been committed.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case and there is no evidence to the fact that the applicants have stolen the ceiling fan and there is no evidence that the ceiling fan which is alleged to have been recovered belonged to the complainant. It is further submitted that seizure witness Ashok Masih and Pankaj Suryawanshi have been examined and they have not supported the case of the prosecution. 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, documents and statements. Considering the facts and circumstances of the case, the nature of offence and the degree of allegation levelled against the applicants further taking in to the fact that seizure witnesses Ashok Masih and Pankaj Suryawanshi appears to have not supported the case of the prosecution and the applicants are in jail since 10.07.2016, 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

Balram