

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7566 of 2016

1. Ravi Kumar, S/o. Late Radheshyam Bharti, Aged About 23 Years.
2. Hukum, S/o. Bhagat Dheemar, Aged About 20 Years.

Both are R/o. Village Sarda, Tahsil & Police Station Berla, District
Bemetara, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through the Station House Officer, Police
Station Berla, District Bemetara, Chhattisgarh.

---- Respondent

For Applicants : Mr. P.P. Sahu, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29.11.2016

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.322/2015 registered at Police Station- Berla, District Bemetara (C.G.) for the offence punishable under Section 457 & 380 of Indian Penal Code.
2. As per the prosecution case, a report was made that in the intervening night of 01/02.12.2015 a theft was committed in the shop of Harshwardhan Sahu and a Laptop and Mobiles were stolen. Subsequently, the present applicants were arrested on 25.09.2016 from the possession of the applicant Ravi Kumar, three Mobiles were recovered and from Hukum, a Laptop, LG C.D. & K-Tel Mobile were recovered.

3. Learned counsel for the applicants would submit that though the seizure has been shown to be made but there is no evidence that the same Mobiles & Laptop were stolen as they are easily available in the open market. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore, the applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and documents. Considering the facts and circumstances of the case, degree of allegation and the fact that the charge sheet has been filed, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge