

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7667 of 2016

1. Gouri Shankar, S/o. Pyare Lal Gond, aged 22 years,
2. Vivek Maravi, S/o. Pawan Singh Gond, aged 22 years,
(aged of the applicants not mentioned in order impugned).
Both are resident of Village- Hirri, P.S. - Hirri, District – Bilaspur (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station
– Hirri, District – Bilaspur (C.G.)

---- Respondent

For Applicants	: Mr. Akhtar Hussain, 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.5/2016, registered at Police Station – Hirri, District – Bilaspur (C.G.) for the offence punishable under Section 379, 411, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant Gouri Shankar, Vivek and one Prakash were apprehended in Crime No.127/16 and 128/2016. After recording of memorandum statement of Gourishankar, it was revealed that the present applicants have committed theft of different batteries from the vehicle and sold out to one Virendra Rai. Thereby the offence has been committed.
3. Learned counsel for the applicants submits that there is no evidence to connect the present applicants in the aforesaid crime and the FIR

is delayed by two months. It is further submitted that charge-sheet in this case has been filed and the applicants are in jail since 22.08.2016 and no further investigation is required and other co-accused Virendra Rai has been enlarged on bail in M.Cr.C. No.7493/2016 via order dated 28.11.2016. 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, the nature of offence and the degree of allegation levelled against the applicants and further taking into the fact that the applicants are in jail since 22.08.2016, 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