

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7699 of 2016

1. Aashkaran S/o Devprasad Dahriya Aged About 22 Years R/o Village- Pangaon, Thana- City Kotwali, Baloda-Bazar, District- Baloda Bazar- Bhatapara, Chhattisgarh
2. Ghumdas S/o Kanhaiya Ratre Aged About 28 Years R/o Village- Achholi, Thana- Palari, District- Baloda Bazar- Bhatapara, Chhattisgarh
3. Ajay Mahilang S/o Banna Lal Mahilang Aged About 18 Years R/o Village- Achholi, Thana- Palari, District- Baloda Bazar-Bhatapara, Chhattisgarh

---- **Petitioners**

Versus

- State Of Chhattisgarh Through- Thana- City Kotwali, District- Baloda Bazar, Chhattisgarh

---- **Respondent**

For Applicants : Mr. Samir Singh, Advocate

For Respondent/State : Mr. Vivek Singhal, 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 for grant of regular bail to the applicants who have been arrested on 19-10-2016 in connection with Crime No. 454 of 2016, registered at Police Station City Kotwali, District Baloda Bazar (CG) for the offence punishable under Sections 294, 506, 427, 392 of the IPC.
2. Case of the prosecution, in brief, is that on 19-10-2016 a report was made by the complainant Preeti Singhal that on 19-10-2016 the applicants came to K.D. Auto Centre and thereafter they have taken away certain tools i.e., Screw-driver, Panna, oil and Hammer etc., which are being used and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicants would submit that the incident happened on a trivial issue, the applicants went to Auto Centre of

the complainant for repairing of their Auto and having refused altercation took place and false allegations have been attributed to the applicants, therefore, no case of loot is made out against the applicants. He would further submit that the applicants are in jail since 19-10-2016 and no further investigation is required, therefore, they may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the statement of witness Laxman Banjare, Mechanic.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicants and back-ground of the case and further considering the fact that the applicants are in jail since 19-10--2016, this court is inclined to release the applicants on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju