

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7836 of 2016

1. Jaiprakash Tirkey S/o Sandhya Ram Tirky, aged About 35 Years R/o Village Thirriama, Putukachhar, Police Station: Dharamjaigarh, District- Raigarh, Chhattisgarh
 2. Agastus Ekka S/o Jainath Aged About 32 Years R/o Village Tonahinara, Siharpara, Police Station: Kapu, District- Raigarh, Chhattisgarh
- Applicants**

Versus

- State of Chhattisgarh through Police Station: Rajim, District: Gariyaband, Chhattisgarh
- Respondent**

For the applicants	:	Mr. Pushpendra Kr. Patel, Advocate
For the Respondent	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.12.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 179 of 2016 registered at Police Station Rajim, Distt. Gariyaband (C.G) for the offence punishable under Section 379/34 IPC.
2. As per the prosecution case, a report was made by one Gopal Sahu that on 29.07.2016, from Satvir Kabir Traders, 35 quintals of iron rod bars were stolen. Subsequently the other co-accused Piyush and Sukhnandan were arrested and on their memorandum it was revealed that the present applicants alongwith other accused have committed theft which was numbering into 8.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case and only on the memorandum of other accused, the present

applicants have been arrested and no seizure was made from the present applicants. He further submits that the charge sheet has been filed in this case; no further investigation is necessary and the applicants are in jail since 13.08.2016; therefore, they may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents. Considering the facts and circumstances of the case especially the fact that no seizure was made from the present applicants; charge sheet has been filed and looking to the period of detention of the applicants as they are stated to be in jail since 13.08.2016, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE