

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.7900 of 2016

Mahesh Kumar, son of Padum Lal Tandan, aged about 21 years,
caste Suryavanshi, resident of Kera Road, Janjgir, Distt. Janjgir-
Champa (C.G). ... **Applicant**

Vs.

State of Chhattisgarh through P.S. Janjgir, Distt. Janjgir Champa
(C.G). ... **Respondent**

For the applicant	:	Mr. F.S. Khare, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.12.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 299/2016 registered at P.S. Janjgir, Distt. Janjgir Champa (C.G) for the offence punishable under Sections 457, 380, 411/34 of IPC.
2. As per the prosecution case, on 08.07.2016 a report was made by Prameshwar Prasad that from his house certain ceiling fans were stolen. Subsequently, the applicant along-with other accused were arrested and from their possession ceiling fans along-with electrical bulbs were seized, thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and there is no evidence to the fact that the applicant has stolen the ceiling fan belonged to the complainant which is alleged to have been recovered. It is further submitted that the seizure witnesses Ashok Masih and Pankaj Suryawanshi have been

examined and they have not supported the case of prosecution. It is also submitted that the persons namely Aman @ Raja and Jogender against whom similar allegations were levelled have been enlarged on bail by this Court in M.Cr.C.No.7671/2016 on 06.12.2016, therefore, the counsel prays that this applicant may also be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, she do not dispute the fact that the co-accused have been enlarged on bail by this Court.
5. Considering the facts and circumstances of the case especially the fact that both the seizure witnesses Ashok Masih and Pankaj Surwanshi appears to have not supported the case of prosecution and on this ground similarly placed co-accused have been enlarged on bail by this court and further looking to the period of detention of the present applicant as he is stated to be in jail since 09.07.2016, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his 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. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**