

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1526 of 2017

1. Deepak Sahu S/o Santram Sahu Aged About 32 Years R/o Near Shiv Mandir, Gudiyari , Police Station Gudiyari, Raipur, District Raipur, Chhattisgarh.
2. Ajay @ Golu Sahu S/o Late Santu Sahu Aged About 27 Years R/o Shivanagar, Near Shivmandir , Police Station Gudiyari , Raipur, Chhattisgarh. **--- Applicants**

Versus

- State of Chhattisgarh through Police Station Gudiyari Raipur, District Raipur, Chhattisgarh. **--- Respondent**

For the applicant	:	Mr. C. R. Sahu, Advocate
For the Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.03.2017

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.279 of 2016 registered at Police Station Gudiyari, Raipur (C.G) for the offence punishable under Sections 457, 380, 411/34 of IPC.
2. As per the prosecution case, a report was made on 27.05.2016 by Vasant Nirmalkar that the present applicants had committed theft in the godown and initially 107 tin boxes of oil and 80 jars of oil were stolen and subsequently after 8-10 days, 15 bags of sugar and 20 boxes of oil were again stolen. During the course of investigation, memorandums of Roshan Naik and Balaram were recorded and on their memorandum statements, it was discovered that the applicant had stolen the goods and sold it to other persons.

3. Learned counsel for the applicants would submit that they have been falsely implicated in this case and except the memorandum statements of other accused, no evidence of seizure available against the present applicants. He further submits that the goods so seized are commonly available in the market. It is also submitted that the charge sheet has been filed and the applicants are in jail since 18.12.2016, therefore, the applicants 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 the charge sheet has been filed and the applicants are in jail since 18.12.2016 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 each in the like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**