

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6048 of 2017

1. Jogiram Yadav & Anr. S/o Kartikram Yadav, Aged About 23 Years R/o Village Chawaiyapara, Police Station Katghora, District Korba Chhattisgarh.
2. Santosh Yadav S/o Telsing Chauhan, Aged About 24 Years R/o Village Dorki Dugupara, Police Station Katghora, District Korba Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer Dipka, District Korba Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Ishwar Jaiswal, Advocate.
For Respondent/State	:	Mr. SUMit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

09/11/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 82/2017, registered at Police Station- Dipka, District – Korba(C.G.) for the offence punishable under Sections 457, 34 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 21.07.2017. The case has been investigated and charge-sheet has been filed. In this case FIR was recorded against unknown persons and it is only on the basis of memorandum statement of applicants,

they have been arrested and detained. There is no direct evidence against the applicants, hence, prayed that they be enlarged on bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that applicants were caught red handed by the police patrolling party from a nearby place, where the alleged offence is set to have been committed, hence, applicants are not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. Complainant Chakradhar Sahu lodged FIR, naming the applicants, to the effect that they had broken the wall of his shop in preparation to commit the offence of theft. As per the facts, applicants were apprehended by the police and then FIR has been lodged.
6. Considering the submissions made in this respect and the contents of case diary, looking to the facts that applicants do not have any previous antecedents and they are resident of the locality of Katghora, District-Korba, their availability before the trial Court shall not be compromised if they are enlarged on bail, hence, this appears to be a fit case where the applicants should be enlarged on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond for a 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.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge