

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7078 of 2017**

1. Sukhnandan Rajwade @ Khina S/o Vifal Rajwade Aged About 29 Years R/o Ita Bhattha Dafai Haldibadi, Chirmiri , District Korea Chhattisgarh.
2. Kamleshwar Kumar @ Tallu S/o Dilaram Aged About 30 Years R/o Village Godripara 40 Dhouda Chirmiri District Korea Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer Police Of Police Station Chirmiri District Korea Chhattisgarh.

---- Respondent

And**MCRC No. 7088 Of 2017**

- Arun Gorai @ Sukha S/o Late Raghupati Gorai, Aged About 19 Years R/o Nearby Radhakrishan Mandir, Godripara Chirmiri, District Korea Chhattisgarh.

---- Applicant

Vs

- State of Chhattisgarh Through Station House Officer, Police Of Police Station Chirmiri, District Korea Chhattisgarh.

---- Respondent

For applicants in M.Cr.C. No.7078/2017 : Shri Anil Gulati, Advocate

For applicant in M.Cr.C. No.7088/2017 : Shri Rajesh Roshan Singh,
Advocate

For Respondent-State : Shri SRJ Jaiswal, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11/12/2017**

1. Since both the bail applications are arising out of the same crime No.259/2017, they are being considered and decided by this common order.
2. These are the First Bail Applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 20.07.2017 in connection with Crime No. 259/2017 registered at Police Station Chirmiri, District-Korea (CG) for the offence punishable under Sections 457, 380 r/w 34 of the I.P.C.
3. As per the prosecution case, a report was made by the complainant Abhay Chaturvedi that in a school some rice packets, aqua-guard water filter, plastic pipes, etc. were stolen in the intervening night of 18/19-07-2017, thereafter, the present applicants were arrested and from the possession of the applicants the goods were recovered, which was identified. Thereby the offence has been committed.
4. Learned counsel for the applicants submit that though the rice has been said to have identified but no document has been filed with regard to the ownership of the goods. They would further submit that the applicants are in jail since 20.07.2017 and the charge-sheet in this case has been filed and no further investigation is necessary, therefore, the applicants may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. I have perused the documents and the case-diary. Considering the facts circumstances of the case and the fact that the offences are triable by the JMFC and also the period of jail as the applicants are in jail since 20.07.2017, I am inclined to release the applicants on bail.
7. Accordingly, both the bail applications are 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 trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri
Judge

Ashu