

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8368 of 2016

Dinesh Majumdar, S/o. Ganesh Majumdar, Aged About 24 Years, R/o. Village Bande, Police Station Bande, Revenue & Civil District- North Bastar Kanker, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through The Police Station Bande, District-Kanker, Chhattisgarh.

---- Respondent

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MCRC No. 8372 of 2016

Ratan Badhai, S/o. Shankaracharya (Actual Name is Shukracharya) Aged About 25 Years, R/o. Village Bande, Police Station Bande, Revenue & Civil District North Bastar Kanker, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Police Station Bande, District Kanker, Chhattisgarh.

---- Respondent

For Applicants : Mr. P.K.Tulsyan, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02.01.2017

1. Both are the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.51/2016 registered at Police Station- Bande, District Kanker (C.G.) for the offence punishable under Sections 380, 457/34 of Indian Penal Code.
2. As per the prosecution case, a report was made by one Dilip Rai that on 24.09.2016 when he tried to open his shop, he found that shutter of the shop was broken and on inspection it was found that one mobile was stolen. Subsequently, one of the accused was

arrested and on his memorandum, it revealed that five mobiles were stolen and from the applicant Dinesh one mobile was recovered and from the applicant Ratan two mobiles were recovered; thereby the offence has been committed.

3. Learned counsel for the applicants would submit that only the report was made about the fact that one mobile was stolen which was maintained in the statement under Section 161 of Cr.P.C., however, after recovery it has been made five; thereby the applicants have been falsely implicated. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore, the applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the report of the complainant wherein initially it is stated that one mobile was stolen which was also affirmed and further in the additional statement the number of mobile was increased. Taking into facts and circumstances of the case, nature of allegation and the fact that the charge sheet has been filed, I am inclined to release the applicants on bail.
6. Accordingly, both the bail applications filed under Section 439 of Cr.P.C. are allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge