

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8493 of 2016

1. Piyush Khalkho S/o Mishan, Aged About 25 Years Caste Christian, R/o Village Thirriaama, Putukachhar, Police Station Dharamjaigarh, District Raigarh Chhattisgarh.
2. Sukhnandan Tirki, (Wrongly Mentioned In Order Sheet Lirki), S/o Mahadev, Aged About 19 Years Caste Christian, R/o Village Thirriaama, Putukachhar, Police Station Dharamjaigarh, District Raigarh Chhattisgarh
3. Blasiyush Ekka, S/o Mangla Ekka, Aged About 23 Years Caste Christian, R/o Village Thirriaama, Putukachhar, Police Station Dharamjaigarh, District Raigarh Chhattisgarh

---- **Petitioner**

Versus

- State of Chhattisgarh Through The Police Station Rajim District Gariyaband Chhattisgarh

---- **Respondent**

For Applicants : Mr. D. Kushwaha, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09-01-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 13-8-2016 in connection with Crime No. 179 of 2016, registered at Police Station Rajim, District Gariyaband (CG) for the offence punishable under Section 379/34 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by one Gopal Sahu that on 29-7-2016 from Satvir Kabir Traders, 35 quintals of iron rod bars were stolen. Subsequently present applicants have been arrested and on their memorandum statements, it was revealed that present applicants along with other co-accused have committed theft which was numbering into 8.

3. Learned counsel appearing for the applicants would submit that applicants have been falsely implicated in the case, seizure has not been made in person from the applicants and it was made from open place, therefore, no allegations can be attributed to the present applicants. He would further submit that charge-sheet has been filed, the applicants are in jail since 13-8-2016 and no further investigation is necessary, therefore, the applicants may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Taking into consideration the facts and circumstances of the case and further considering the fact that seizure has been made from open place and also the fact that charge-sheet has been filed, the applicants are in jail since 13-8-2016, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju