

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8654 of 2016

1. Santosh @ Guddu S/o Raju Basore, Aged About 30 Years R/o Village Lalpur, Police Station & Tahsil Manendragarh, District Korea, Chhattisgarh.
2. Premlal S/o Male Basore Aged About 25 Years R/o Village Lalpur, Police Station & Tahsil Manendragarh, District Korea, Chhattisgarh.
3. Kalicharan S/o Sheshman Basore Aged About 28 Years R/o Village Lalpur, Police Station & Tahsil Manendragarh, District Korea, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Office, Police Station Chirmiri, District- Korea, Chhattisgarh.

---- **Respondent**

For Applicants : Mr. Anil Gulati, Advocate

For Respondent/State : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14-02-2017

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 10-06-2016 in connection with Crime No. 194 of 2016, registered at Police Station Chirimiri, District Korea (CG) for the offence punishable under Sections 457, 380, 411 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that a report was lodged by the complainant Saheb Lal that on 5-6-2016 theft took place in his house whereby gold and silver ornaments were stolen. Subsequently, the applicants were arrested and on the basis of their memorandum statements, ornaments were recovered and seizure was made and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case, seizure witnesses namely Sameem Ahamad and Nisar Ahamad have been examined and they have not supported the prosecution story and seized ornaments were not identified. He would further submit that charge-sheet has been filed in this case, the applicants are in jail since 10-6-2016 and no further investigation is required, therefore, they may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the seizure witnesses have been examined and they have not supported the prosecution case.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statements of the seizure witnesses wherein they have not supported the prosecution case.
7. Taking into consideration the facts and circumstances of the case and further considering the fact that seizure witnesses have not supported the prosecution case, without further observation on the merits of the case, I am inclined to release the applicant on bail.
8. 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. They shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju