

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8660 of 2016

1. Premlal, S/o. Male Basore, Aged About 25 Years.
2. Manta Prasad, S/o. Sheetal Basore, Aged About 28 Years.
3. Guddu @ Santosh, S/o. Raju Basore, Aged About 30 Years.
4. Kalicharan, S/o. Sheshman Basore, Aged About 28 Years.

All are R/o. Village- Lalpur, Police Station & Tahsil- Manendragarh,
District- Korea, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through- The Station House Office, Police Station-
Chirimiri, District- Korea, Chhattisgarh.

---- Respondent

For Applicants : Mr. Anil Gulati, Advocate

For Respondent : 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 in connection with Crime No.178/2016 registered at Police Station- Chirimiri, District Korea (C.G.) for the offence punishable under Sections 457, 380, 411 read with Section 34 of Indian Penal Code.
2. As per the prosecution case, a report was made by one Bawari alleging that in the intervening night of 30/31.05.2016, theft was committed in the Almirah and the gold & silver ornaments were stolen alongwith cash of Rs.8000/-. Subsequently, the applicants were arrested and from their possession, the gold & silver ornaments were seized.

3. Learned counsel for the applicants would submit that the seizure witness in this case namely Samim Ahmad & Nisar Ahmad have been examined and they have not supported the case of the prosecution and the identification of the goods which were seized have not been carried out, therefore, the applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the seizure witness have been examined and they have not supported the case of the prosecution.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and further considering the fact that the seizure witness have not supported the case of the prosecution, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a 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