

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 34 of 2017

1. Rishiraj S/o Tetku Ram Jhoshi, Aged About 21 Years R/o Village Lachchhanpur, Thana - City Kotwali, Baloda Bazar District Baloda Bazar - Bhatapara Chhattisgarh
 2. Rishikapur, S/o Tetku Ram Jhoshi, Aged About 19 Years R/o Village Lachchhanpur, Thana City Kotwali, Baloda Bazar District Baloda Bazar Bhatapara Chhattisgarh
- Applicants**

Versus

- State of Chhattisgarh through Police Station City Kotwali, District Baloda Bazar Bhatapara Chhattisgarh
- Respondent**

For the applicant	:	Mr. Samir Singh, Advocate
For the Respondent	:	Mr. Wasim Miyan, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.1.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 344 of 2016 registered at P.S. City Kotwali, Distt. Baloda Bazar-Bhatapara (C.G) for the offence punishable under Sections 379/34 of IPC.
2. As per the prosecution case, a report was made by Shatrughan Banjare that in between 17th and 18th February, 2016 one water pump was stolen from the school premises for which a report was made in the month of August. Subsequently it was found that the applicant alongwith co-accused have stolen the said pump and recovery was made from applicant No.2 thereby the offence has been committed.
3. Learned counsel for the applicants would submit that the

applicants have been falsely implicated; charge sheet has been filed and no further recovery is required and applicant No.1 is in jail since 30.08.2016 and applicant No.2 is in jail since 06.09.2016, therefore, they may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the documents. Considering the nature of recovery and the degree of allegations levelled against the applicants as also the fact that the charge sheet in this case has been filed and Applicant No.1 is in jail since 30.08.2016 and Applicant No.2 is in jail since 06.09.2016, I am inclined to allow this bail application.
6. Accordingly, the bail application is 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 each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**