

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 241 of 2018**

1. Avinash Badwaik S/o Shri Bharat Badwaik, aged about 19 years, R/o Village Dhanlaxminagar Bhanpuri Thana Khamtarai, Tahsil Raipur, District Raipur Chhattisgarh
2. Rahul Badwaik S/o Tirath Raj Badwaik, aged about 21 years, R/o Village Dhanlaxminagar Bhanpuri Thana Khamtarai, Tahsil Raipur District Raipur, Chhattisgarh

---- Applicants**Versus**

State of Chhattisgarh through Police Station Khamtarai, District Raipur
Chhattisgarh

---- Respondent

For Applicants	:	Shri B. M. Roy, Advocate
For Respondent/State	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08/03/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicants who are in jail since 22.10.2017 in connection with Crime No. 508/2017 registered at Police Station Khamtarai, Civil & Revenue District Raipur (CG) for the offence punishable under Sections 379, 34 of IPC.

2. The allegation, as per the prosecution, against the applicants is that on 20.10.2017, the applicants are said to have committed theft of Comb. fish plate from a truck which was parked in that area meant for the use of the Railway department.
3. Counsel for the applicant submits that the applicants are young boys of aged about 19 & 21 years and they have already remained in custody

for a period of approximately 5 months, therefore, they may be granted the benefit of bail.

4. State counsel, however, opposes the bail application on the ground that the nature of offence seems to be serious and therefore the bail application deserves to be rejected.

5. Taking into account the nature of theft committed by the applicants and also keeping in view the age of the applicants and the period of custody already undergone by them, this Court is of the opinion that a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicants will be released on bail on their 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 before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE