

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 407 OF 2018

1. Raju Sahu @ Rajendra Sahu S/o Palturam Sahu, aged about 33 years, R/o village Bharratola, Thana Gada Sarai, District Dindori (MP).
2. Chhote Lal Yadav S/o Charnu Yadav, aged about 45 years, R/o village Bamhni, Thana Rajendra Gram, District Anuppur (MP).

... Applicants

Versus

State of Chhattisgarh, through Police Station Katghora, District Korba (CG).

... Respondent

For Applicants	:	Shri Vikas Pandey, Advocate.
For Respondent-State	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/03/2018

1. This is the first bail application seeking for grant of bail to the Applicants who are in jail since 18.11.2017 in connection with Crime No. 207 of 2016 registered at Police Station Katghora, Distt. Korba, for the offence punishable under Sections 457 and 380/34 of IPC.
2. The allegation against the applicants is that the present applicants along with other co-accused person namely Sanjay is said to have stolen Mike, Amplifier Set, DVD Player and certain ornaments from Hanuman Temple at Chhuri, Katghora.
3. The contention of the appellants is that the applicants have been arrested only on 18.01.2017 in connection with alleged theft which took place on 07.07.2016 that too only on the basis of memorandum statement of co-accused Sanjay which is not a reliable piece of evidence. He further submits that the entire prosecution story is hard to believe. Thus, prayed for applicants to be released on bail.

4. The State counsel opposes the bail application on the ground that recovery from the present applicants itself prima facie proves the applicants to have involved in the said offence. Further, from the possession of applicant No.1, 10 Tolas of silver ornaments were recovered and certain stolen ornaments from the said Temple were also recovered from the possession of applicant No.2 which were identified by the complainant Om Prakash Shukla himself, and as such the applicants do not deserve for bail.
5. Given the facts and circumstances of the case, particularly the recovery which has been made from the possession of the applicants, this court is of the opinion that present is not a fit case to release the applicants on bail.
6. Accordingly, the bail application is rejected.

Sd/-
(P.Sam Koshy)
Judge

inder