

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 1170 of 2018**

1. Raju Kushwaha S/o Babu Lal Aged About 26 Years R/o.- Village Kaknesha, Thana - Basantpur, Tahsil- Wadrafnagar, District- Balrampur, Ramanujganj (C.G.),
2. Pramod @ Bholu Tekam S/o Tiwari Ram Aged About 22 Years R/o- Village Wadrafnagar, Kurthidand, Chauki-Wadrafnagar, Thana- Basantpur, Tahsil Wadrafnagar, District- Balrampur Ramanujganj (C.G.)

---- Applicants**Versus**

State Of Chhattisgarh Through, Chauki- Wadrafnagar, Thana- Basantpur, District- Balrampur, Ramanujganj (C.G.)

----Non-applicant

For Applicants	:	Mr. Akath Kumar Yadav, Advocate
For State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****09/04/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicants, who have been arrested in connection with Crime No. 101/2017 registered at Police Station Basantpur, District Balrampur Ramanujganj, Chhattisgarh for the offence punishable under Sections 457, 380, 411 read with 34 of the Indian Penal Code.
2. The present applicants are in jail since 26.10.2017 and 30.10.2017 respectively in connection with the aforesaid Crime number.
3. The case of the prosecution against the present applicants is that the applicant No.2 is said to have stolen the mobile phone of the complainant from the hospital, when the complainant, who was an employee of the hospital, had put his mobile on charge. Subsequently, the applicant No.2 is said to have sold the said stolen mobile to the applicant No.1 Raju Kushwaha. On the memorandum

statement of applicant No.2, the mobile was recovered from the possession of applicant No.1.

4. Counsel for the applicants submits that both the applicants have remained in custody for a period of about six months and that there is no past antecedent of the present applicants and considering the nature of offence and the period of custody undergone, the present applicants may be released on bail.
5. The State counsel however opposes the bail application on the ground that the allegations are quite serious and the present applicants seem to be involved in a racket.
6. Considering the entire facts and circumstances of the case particularly taking note of the period of custody undergone and the nature of offence, this Court is of the opinion that prima facie a strong case has been made out for grant of bail to the applicants. Accordingly, the present application for grant of bail is allowed.
7. It is directed that the applicants shall 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 Court for their appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge