

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2285 of 2018

1. Sunil Sahu S/o Shri Jhangluram Sahu Aged About 25 Years R/o Village Bacherbhata, Police Station And Tahsil Dongargarh, District Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh
 2. Laxman Sahu S/o Shri Lakhan Sahu Aged About 25 Years R/o Kanhaiyapuri, Police Station Tahsil And District Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh
- Applicants**

Versus

State Of Chhattisgarh Through District Magistrate Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicants	:	Shri Shashi Bhushan Tiwari, Advocate
For Respondent/State	:	Shri Manish Nigam, PL

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/05/2018

Heard.

1. The applicants have been arrested in connection with Crime No.116 of 2017 registered at Police Station- Somani, Rajnandgaon (CG) for the alleged commission of offence under Section 380 of IPC.
2. Case of the prosecution is that the applicants and other accused had broken a shop and stolen jewellery.
3. Learned counsel for the applicants would submit that the applicants have been involved on the basis of memorandum of co-accused which is not admissible in evidence. Charge-sheet has filed. Except memorandum, there is no other evidence of recovery or identification against the applicants. Therefore, the applicants may be granted bail.
4. On the other hand, learned State counsel opposes and submits that looking to the nature and gravity of allegation of committing theft of jewellery from the jewellery shop, the applicant may not be granted bail.

5. Having considered the submission of learned counsel for the parties, taking into consideration that the applicants have been involved on the basis of memorandum and there is no recovery of stolen items or identification made from them, the application is allowed.
6. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge