

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.2654 of 2018**

Kanhaiya Sao Kaser, S/o Shri Sadhuram, aged 55 years, R/o Village Koni,
P.S. Koni, Bilaspur, District Bilaspur, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Station House Officer, Police Station Dipka,
District Korba, Chhattisgarh

---- Respondent

For Applicant	:	Shri Akhtar Hussain, Advocate
For Respondent	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****9.5.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the Applicant who has been arrested in connection with Crime No.38 of 2018 registered at Police Station Dipka, District Korba for offence punishable under Sections 395, 397 and 412 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 21.2.2018 at about 1:45 p.m., Complainant Goverdhan Sahu, a guard, along with other colleague guards, was on duty in Jimco Workshop of S.E.C.L. Mines. At that time, 15-20 persons came there and they threatening the Complainant and other guards, beat them and looted about 35 metres copper wire from there. The matter was reported. During investigation, on the basis of the memorandum statements of co-accused persons, 40 Kgs. of copper has been seized from the possession of the present Applicant.

3. Learned Counsel appearing for the Applicant submits that the Applicant is engaged in the profession of buying and selling of old articles as a ragman (*Kabadi*). He was not involved in the alleged offence of loot. He purchased the article from one KGN and Sons of Bilaspur. Other co-accused Shailendra Kumar Soni has been granted benefit of regular bail by this Court vide order dated 8.5.2018 passed in M.Cr.C. No.2577 of 2018. The present Applicant is in custody since 24.2.2018. Therefore, he may also be released on bail.
4. Learned Counsel appearing for the Respondent/State opposes the bail application.
5. I have heard Learned Counsel appearing for the parties and perused the entire material available with due care.
6. Considering the facts and circumstances of the case, particularly that other co-accused Shailendra Kumar Soni has been released on regular bail, the nature of allegation made against the present Applicant and the period of his detention, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.10,000/- with one local solvent surety in the like sum to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
JUDGE