

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4344 of 2018

1. Ajay Jain, S/o. Suresh Jain, Aged About 30 Years, R/o.- House No. 428/1, Ward No. 17, Wardman Nagar, Rajnandgaon, Tahsil and District- Rajnandgaon, Chhattisgarh.
2. Sanjay Jain, S/o. Suresh Jain, Aged About 35 Years, R/o- Kushal Nagar Chowk Changora Bhatha, Raipur, District- Raipur, Chhattisgarh.

---- Applicants

Versus

1. State Of Chhattisgarh, Through- District Magistrate, Durg, District- Durg, Chhattisgarh.
2. Station House Officer Police Station Jamul, District- Durg, Chhattisgarh.

---- Respondents

For Applicants	:	Mr. Jitendra Gupta, Advocate
For Respondents	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/07/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 312/2017, registered at Police Station- Jamul, District – Durg (C.G.) for the offence punishable under Section 457, 380, 411/34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicants have been falsely implicated in this case. The applicants are in jail since 24.08.2017 & 27.07.2017 respectively. No case is made out against him on the basis of the material present in the charge-sheet. Hence, it is prayed that the applicants may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. According to the case of the prosecution, a theft of rice bags and sugar have been taken place from the Maa Khallari Swayatta Prathmik Upbhokta Bhandar in village- Mudpar worth Rs.12,430/-. After lodging of FIR, during the investigation, the applicant No.1 has led to the seizure of some articles from the applicant No.2 through his memorandum statement. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary and looking to the fact that charge-sheet has been filed, case is triable by Judicial Magistrate First Class, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge