

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7374 of 2018

1. Anil Nat, S/o. Sunder Lal Nat, Aged About 26 Years, Caste Nat, R/o. Diwanpur, P.S. Pathalgaon, District Jashpur, Chhattisgarh
2. Jitendra Nat, S/o. Haricharan Nat, Aged About 47 Years, Caste Nat, R/o. Gala, P.S. Pathalgaon, District Jashpur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Kharsiya, District Raigarh, Chhattisgarh

---- Respondent

For Applicants : Mr. F.S.Khare, Advocate

For Respondent : Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29.10.2018

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.361/2018 registered at Police Station- Kharsiya, District Raigarh (C.G.) for the offence punishable under Section 379/34 of Indian Penal Code.
2. As per the prosecution case, the applicants along-with other co-accused Hari @ Vishal have committed theft of Rs.35,000/- from the motorcycle of the complainant Kanhaiya Lal.
3. Learned counsel for the applicants submits that only on the basis of memorandum statement, the applicants have been inculpated and no evidence is on record and cash of Rs.1000/- has been recovered, therefore, the applicants have been falsely implicated, as such, they may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and nature of recovery of the currency note and also the fact that charge sheet has been filed, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on 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.

Sd/-
(Goutam Bhaduri)
Judge