

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7900 of 2017

1. Ajay Singh S/o Jethu Singh, Aged About 18 Years, Caste Aghariya, R/o Village Kerajhariya, Police Station Pali, Tehsil Pali, District Korba Chhattisgarh , Chhattisgarh
2. Santram Aghariya S/o Baisakhu, Aged About 30 Years, R/o Village Baksahi, Police Station Pali, Tehsil Pali, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Pali, District Korba Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicants – Shri Lalit Jangde, Advocate.

For Non-applicant/State – Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-03-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 02-08-2017 in connection with Crime No.136/2017 registered at P.S. Pali, District Korba, Chhattisgarh for the offence under Section 395, 397, 398, 201 of the IPC.
2. It is submitted on behalf of the applicants, that the applicants have been falsely implicated in this case. No case is made out on the basis of material present in the charge sheet filed against them. They are in jail since 02-08-2017. They are local residents of District Korba and are ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicants may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that applicant No.1 is having criminal history of two criminal cases of similar nature, which are pending for trial before the concerned court. Hence no case is made out for grant of bail to these applicants.

4. Heard learned counsel for the parties and perused the case diary.
5. Complainant Dev Singh Chahal, Security Manager of Maruti Power Limited Company Bandhakhar gave a written complaint that on 31-07-2017 at about 2.30 a.m. at night, 15 to 20 persons carrying rod and axe by threatening the guards present on the spot have cut the cable wires and committed theft of copper wire of value Rs.3,10,000/-. After lodging of the FIR, during investigation, at the instance of both these applicants a few bundles of copper wire has been recovered and seized apart from the recovery made from other co-accused person.
6. Considered on the submissions made and contents of the case diary.
7. Considered on the material present in the case diary and also considered that co-accused Ramjan who is similarly placed has been granted bail by this Court and further that there is no conviction recorded against applicant No.1 so far and his age is merely 18 years in the present date, I am of this view that both the applicants should be released on bail during pendency of the trial against them.
8. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge