

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7809 of 2017**

Ghanshyam Giri, S/o. Rakesh Giri, Aged About 24 Years, R/o. Village Khodri,
Thana Gaurela, Bilaspur, District -Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Police Station -Gaurela, District
Bilaspur, Chhattisgarh.

---- Respondent

AND**M.CR.C. No. 8039 of 2017**

Ravi Singh Marawi, S/o. Lakhan Singh Marawi, Aged About 29 Years, R/o.
Amali Moad, Narmada Nagar, Than and Tehsil Kota, Bilaspur, District
Bilaspur.

---- Applicants

Versus

State Of Chhattisgarh, Through : The Police Station -Kota, District Bilaspur,
Chhattisgarh.

---- Respondent

For Applicants	: Mr. Surendra Kumar Dewangan, Advocate
For Respondent/State	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****21/02/2018**

- Both the bail applications are heard and decided together by this common order as they are being arising out of the same crime number and the incident.

2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.234/2017, registered at Police Station – Kota, District – Bilaspur (C.G.) for the offence punishable under Section 457, 380/34 of the Indian Penal Code.
3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. As per the FIR, cash of Rs.45,000/- and some cooking utensils were stolen from the house of the complainant – Tijram Mersa by some unknown persons. During the investigation, some cash amount and iron rod recovered from this applicants are not at all sufficient to connect the applicants with the aforesaid offence committed. Applicants are in jail since 31.08.2017, charge-sheet in this case has been filed after completion of investigation. Therefore, it is prayed that the applicants may be granted regular bail.
4. On the other hand, learned counsel for the State opposes the bail applications and the submission made in this respect. It is submitted that three other cases are registered against these applicants under the provisions of Section 457 and 380 of I.P.C. in the year 2017 itself, which shows that applicants are habitual offender, hence, the applicants are not entitled for grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. The prosecution case in brief is that the complainant Teejram Mersa has lodged FIR regarding theft from his house of Rs.45,000/- cash and

some utensils. At the instance of this applicant – Ghanshyam Giri (in M.Cr.C. No.7809/2017) Rs.500/- cash was recovered and seized and at the instance of the applicant Ravi Singh Marawi (in M.Cr.C. No.8039/2017) one iron rod, a tool for committing theft has been recovered and seized and this has been made the basis for their prosecution.

7. Considered the submissions made and the contents of the case diary. Considering the facts and circumstances of the case and further considering the entire material on record and taking into consideration this fact that the applicants are in jail since 31.08.2017, they are local resident of District Bilaspur and no purpose would be served if the applicants are kept in detention, till the conclusion of trial, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. It is directed that applicants shall be released on bail on their 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 trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge