

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7835 of 2017**

1. Bhupendra Yadav, S/o. Sukhdev Yadav, Aged About 28 Years,
 2. Dhani Ram Sahu, S/o. Guhrit Ram Sahu, Aged About 42 Years,
- Both R/o Village Rawad, Thana Rajim, District Gariyaband Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through : Police Station Rajim, District Gariyaband Chhattisgarh.

---- Respondent

For Applicant	: Mr. K.K. Dewangan, Advocate
For Respondent/State	: Mr. Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****22/02/2018**

1. This is the first bail application 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.180/2017, registered at Police Station – Rajim, District – Gariyaband (C.G.) for the offence punishable under Section 454, 380, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against them on the basis of the material available in the charge-

sheet, applicants are in jail since 08.10.2017, they are local resident of District -Gariyaband, and they are ready to abide by all the conditions imposed for grant of bail. Hence, it is prayed that the applicants, may be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that applicant No.1 has in his memorandum statement confessed that he has been involved in similar type of offence of theft earlier also, hence, they are not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Brief facts of the case are that complainant Gaukaran Sahu has lodged report on 26.09.217 in Police Station – Rajim stating that a theft has been committed in his house, in which jewelry of gold and sliver were stolen by the unknown thieves. During investigation, at the instance of the applicant No.1 some of the jewelry has been recovered and the same has been identified by the complainant as the stolen property.
6. Considered the submissions made and the contents of the case diary. As the jeweller has been made a witness in the prosecution case, who has stated that a person of different name has pledged the articles of jewelry in his shop, no identification parade has been carried out to identify any of the accused by the said jweller in the investigation, the role of the applicant No.2 is limited to this that some articles were entrusted to him by the applicant No.1. Hence, looking to the facts and circumstances of the case and the fact that there is no criminal

antecedents of both the applicants, 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.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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 local surety 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