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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8075 of 2017**

1. Santkumar S/o Manohar Singh Kanwar Aged About 27 Years R/o Gangdei, Pakhnapara, Out Post Chowki Hardibazar, Distt. Korba Chhattisgarh, Chhattisgarh
2. Ganpat Mahant S/o Kashiram Mahant Aged About 20 Years R/o Gangdei, Pakhnapara, Out Post Chowki Hardibazar, Distt. Korba Chhattisgarh, District : Korba, Chhattisgarh
3. Ramesh Yadav S/o Tirath Ram Yadav Aged About 26 Years R/o Gangdei, Pakhnapara, Out Post Chowki Hardibazar, Distt. Korba Chhattisgarh, District : Korba, Chhattisgarh
4. Bhanu Pratap Yadav S/o Late Dangalram Yadav Aged About 29 Years R/o Gangdei, Pakhnapara, Out Post Chowki Hardibazar, Distt. Korba Chhattisgarh, District : Korba, Chhattisgarh
5. Deepak Chouhan S/o Late Kashiram Chouhan Aged About 27 Years R/o Gangdei, Pakhnapara, Out Post Chowki Hardibazar, Distt. Korba Chhattisgarh, District : Korba, Chhattisgarh
6. Vinod Chouhan S/o Netram Chouhan Aged About 23 Years R/o Gangdei, Pakhnapara, Out Post Chowki Hardibazar, Distt. Korba Chhattisgarh, District : Korba, Chhattisgarh
7. Ajay Kumar S/o Babulal Singh Kanwar Aged About 19 Years R/o Gangdei, Pakhnapara, Out Post Chowki Hardibazar, Distt. Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Kusmunda, District Korba Chhattisgarh.

---- Respondent

For the Applicants : Smt. Indira Tripathi, Advocate.
 For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****07.03.2018**

Heard.

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.233 of 2017, registered at Police Station – Kusmunda, District – Korba, Chhattisgarh for the offence punishable under Section 395 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants are in jail since 18.11.2017 and they have been falsely implicated in this case. The statement of the complainant itself shows that none of the culprit was identified by the lodger of the FIR. It was only for the reason that at the spot of incident somebody called a name Santram because of which this applicant No.1 was apprehended and in the memorandum statement of this applicant, which has been recorded by the police, names of other applicants have been reflected, which is not legally admissible evidence against the applicants. Hence, it is prayed that the applicants be benefited with grant of regular bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is sufficient evidence for the prosecution of these applicants. Hence, the applicants are not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The facts of the case are that on the date of incident 8 persons who had covered their faces with clothes looted 200 liters of diesel worth Rs.12,000/- from the dam site which was guarded by complainant – Gangasagar Pathak and others. One of the culprit called another accused as Santram and only on this basis the police has investigated and

apprehended applicant No.1 who has given the names of other accused persons in his memorandum statement. Hence, this case.

6. Co-accused – Navratan Singh has been granted bail by this Court in M.Cr.C. No. 7902 of 2017 vide order dated 23.1.2018 and it appears that all the applicants are similarly placed. Hence, for this reason, this application deserves to be allowed.

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

8. 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 in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge