

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No.7270 of 2020

1. Pawan Chauhan S/o Baratram Chauhan Aged About 18 Years.
 2. Govind Chauhan S/o Satta Chauhan Aged About 22 Years.
 3. Kuwanru Chauhan S/o Chamar Singh Chauhan Aged About 45 Years.
- All are R/o Village -Charbhata, Thana- Bhupdevpur, Tehsil -Kharsiya, District- Raigarh Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh Through Police Station Bhupdevpur, District Raigarh Chhattisgarh.

--- Respondents

For Applicants	: Mr. Sanjay Agrawal, Advocate.
For Respondent-state	: Mr. Vikram Sharma, Dy. GA.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

17/12/2020

1. This is 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.146/2020, registered at Police Station -Bhupdevpur, District Raigarh, (C.G), for the offence under Sections 379/34 of the Indian Penal Code.
2. Case of the prosecution is that Shankar Lal Guard of BHEL, has lodged a report on 21.09.2020 stating therein that in the intervening night of 20th & 21st September, 2020. 7 pieces of Iron Angle have been stolen from the premises of the company. On the basis of said intimation, FIR was registered against unknown persons. During the course of investigation, the police arrested present applicants and on the basis of their memorandum statements, Iron Angles have been recovered at their instance.
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Iron Angles said to be stolen from the premises of the company have been found just by the

side of the company in open place. Applicants have been made accused in the instant crime only on the basis of their memorandum statements. Applicants are not having any criminal antecedent. Hence, they may be released on bail.

4. Learned counsel for the State opposes the bail application and submits that the applicants have been arrested on the very next date of incident and on the basis of their memorandum statements, stolen Iron Angles were recovered. Hence, they are not entitled for grant of bail.
5. Heard learned counsel for both the parties.
6. Considering the nature of allegations, period of pre-trial detention and the fact that there is no criminal antecedents against present applicants, case is triable by Magistrate, charge-sheet is file, without commenting anything on merits of the case, I am inclined to allow bail application of applicants.
7. Accordingly, bail application is allowed. It is directed that the applicants shall be released on regular bail, on their furnishing bail bond in the sum of Rs.10,000/- each one with surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) They shall not, in any manner, tamper with the prosecution witnesses.
 - c) If they are found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

Jamal/-