

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7441 of 2019**

1. Faguram Dahariya S/o Nujram Dahariya, aged about 25 years, R/o village Charbhatha, Police Station - Kawardha, District Kabirdham (C.G.)
2. Raju Sahu S/o Geetram Sahu, aged about 37 years, R/o village Birkona, Police Station Pipariya, District Kabirdham (C.G.)
3. Santosh Sahu S/o Rohit Sahu, aged about 19 years, R/o village Manikchauri, Police Station - Pipariya, District Kabirdham (C.G.)

---- Applicants**Versus**

- State Of Chhattisgarh Through : Station House Officer, Police Station - Pipariya, District Kabirdham (C.G.).

---- Respondent**And****MCRC No. 7652 of 2019**

- Toran S/o Ramgulam (wrongly mentioned as Ramgual in the order sheet) aged about - 30 years, R/o village Dharampura, Police Station Pipariya, District Kabirdham (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through : Station House Officer, Police Station - Pipariya, District Kabirdham (C.G.)

---- Respondent

For Applicants	:	Shri Dharmesh Shrivastava, Advocate.
For Respondent	:	Ms. Akshara Amit, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****13/01/2020**

Heard.

1. Since the aforesaid bail applications arise out of same crime number, they are being disposed of together by this common

order.

2. The applicants have preferred these first bail applications under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.192/2019, registered at Police Station – Pipariya, District Kabirdham (C.G.) for the offence punishable under Sections 379 r/w section 34 IPC and Section 136 of Electricity Act.
3. The prosecution story, in brief, is that complainant Heera Singh had taken electricity connection for tubewell. It is alleged that on 21.08.2019 when the complainant went to his field, he saw that 320 meter of electric wire amounting to Rs.20,000/- has been stolen. During investigation, applicants were interrogated, their memorandum statement was recorded, based on which, stolen property was seized from their possession. Based on this, offence has been registered. The applicants have been taken into custody on 21.10.2019.
4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that only on the basis of memorandum, the present applicants have been arrested and the identification of the seized article has not been conducted. He also submits that the applicants are in custody since 21.10.2019, charge sheet has been filed, the offence is triable by Magistrate and there is no likelihood of their appeal being decided in near future. Therefore, they may be released on bail
5. On the other hand, learned State counsel opposes the bail applications. He submits that at the instance of the applicants, the stolen articles have been seized from their possession, which proves their involvement in the crime in question.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that

the applicants have no criminal antecedent, they are in jail since 21.10.2019, the offence is triable by Magistrate, charge sheet has been filed and the final disposal of the case may take some time, without further commenting on merits of the case, I am inclined to release them on bail.

8. Accordingly, the bail applications are allowed.
9. It is directed that the Applicants shall be released on bail on their executing a personal bond for a sum of Rs.50,000/- - Rs.50,000/- each with one solvent surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Sd/-
(Rajani Dubey)
Judge

Pekde