
(2012) 04 CHH CK 0058
In the Chhattisgarh High Court
Case No : Criminal C. No. 1065 of 2012

A. Karan Rao and Another	Vs	APPELLANT
State of Chhattisgarh		RESPONDENT

Date of Decision : 13-04-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Penal Code, 1860 (IPC) — Section 34, 380

Citation : (2012) 2 Crimes 508

Hon'ble Judges : Manindra Mohan Shrivastava, J

Bench : Division Bench

Advocate : Uttam Pandey, for the Appellant; R.R. Sinha, Panel Lawyer for the State, for the Respondent

Final Decision : Dismissed

Judgement

Manindra M. Shrivastava, J.—Heard. The applicants have moved this application u/s 439 of the CrPC for grant of regular bail in connection with Crime No. 649/2011 registered at Police Station Chhaoni, District Durg for the offence punishable u/s 380/34 of the IPC. The applicants have been arrested on 21.10.2011.

2. This is second bail application. First bail application was dismissed as withdrawn with liberty to revive at appropriate stage.

3. Learned counsel for the applicant submits that the Court below has examined the witnesses of seizure and memorandum namely Kumar Lal Dewangan and Sachin Sahu and they do not support the story of the prosecution with regard to recovery at the instance of the applicant and their statement completely demolishes the case of the prosecution.

4. On the other hand, learned State counsel submits that looking to the nature of offence alleged to be committed by the applicants, they are not entitled to bail. He further submits that the owner has identified the recovered articles and

therefore, the bail application is liable to be rejected. Taking into consideration that the applicants are in jail since 21.10.2011 and the witnesses of seizure and memorandum have been examined by the trial Court and further taking into consideration the totality of the circumstances, the application is allowed. It is ordered that the applicants shall be released on bail on each of them furnishing a personal bond of Rs. 10,000 alongwith one local surety of the like amount to the satisfaction of the trial Court. They shall appear before the trial Court regularly on each and every date, unless exempted. If the applicants failed to appear before the trial Court on the date fixed for appearance, bail granted to the applicants shall liable to be cancelled.