

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3224 OF 2015**

1. Naveen Kashyap, son of Shri Ramdayal Kashyap, aged about 21 years, Caste Kashyap, resident of Shanti Nagar Balgi, Police Station Banki Mongra, Civil and Revenue District Korba, Chhattisgarh.

2. Santkumar Jaiswal, son of Shri Manmohan Jaiswal, aged about 20 years, Caste Jaiswal, resident of Pali, Police Station Pali, Civil and Revenue District Korba, Chhattisgarh.

---Applicants**Versus**

State of Chhattisgarh Through: Police Station Banki Mongra, District Korba, Chhattisgarh.

---Non-applicant

For Applicants	:	Mr. Sandeep Yadav, Advocate
For Non-applicant	:	Mr. Aditya Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****13/07/2015**

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. (Istgasa No.) 5/2015, registered at Police Station Banki Mongara, District Korba, Chhattisgarh, for the offence punishable under Sections 41(1-4) of Cr.P.C. & 379 of IPC.

2. Case of the prosecution, in brief, is that present applicants are alleged to have stolen two tones coal owned by SECL and thereby committed offence.

3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in this

case. He would further submit that no one has alleged First Information Report against the present applicant for commission of theft and no one claimed the ownership allegedly stolen coal. He would lastly submit that applicants are in jail since 28/05/2015 therefore, they may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the previous criminal antecedent of the applicant No. 1, this Court is not inclined to release the applicant No. 1- Naveen Kashyap on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Code of Criminal Procedure on behalf of the applicant No. 1- Naveen Kashyap is rejected.

8. Considering the facts and circumstances of the case; further considering the role of the applicant No. 2-Santkumar Jaiswal in offence in question and pretrial detention of applicant No. 2, this Court is of the opinion that present is a fit case, in which, the applicant No. 2 Santkumar Jaiswal should be enlarged on regular bail.

9. Accordingly, the bail application filed under Section 439 of the Code of Criminal Procedure on behalf of the applicant No. 2 Santkumar Jaiswal is allowed.

10. It is directed that applicant No. 2 Santkumar Jaiswal shall be

released on bail on 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 his appearance as and when directed.

11. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari