

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5405 of 2015**

Pappu @ Pawan Singh Thakur S/o.Late Jeevan Singh, aged about 22 years; R/o. Jogi Awash Imalibhata, Bilaspur, P.S. Sarkanda, Tahsil Bilaspur, Revenue and Civil District Bilaspur (CG)

---Applicant

Versus

State of Chhattisgarh Through: The Police Station Tarbahar, District Bilaspur (CG)

---Non-applicant

And**M.Cr.C.No.5489 of 2015**

Mantu Singh @ Teku S/o Ramkishan Singh Thakur, Aged about 20 years R/o Imlibhatha, Jogi Awash, P.S. Sarkanda, District Bilaspur (CG)

---Applicant

Versus

State of Chhattisgarh Through the Station House Officer in-charge, P.S. Tarbahar, Tahsil and District-Bilaspur (CG)

---Non-applicant

For Applicant	:	Mr. P.K.Tulsyan, Advocate in M.Cr.C.No.5405/2015
For Applicant	:	Mr.Aditya Sharma, Advocate in M.Cr.C.No.5489/2015
For Non-applicant	:	Mr. Vivek Shinghal, Panel Lawyer in both cases

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****12/10/2015**

1. Since the aforesaid two bail applications are arising out of the same crime number, they are being disposed of by this common order.
2. These are the first bail applications 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.266/2013, registered at Police Station-Tarbahar, District-Tarbahar, (C.G.), for the offence punishable under Section 379/34 of the IPC.

3. Case of the prosecution, in brief, is that the applicants have allegedly stolen the motor-cycle owned by Ram Prasad Gabel on 10.9.2013.

4. Mr.P.K.Tulsyan, learned counsel appearing for the applicant in M.Cr.C.No.5405 of 2015 would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He is in jail since 14.7.2015 and charge-sheet has already been filed.

5. Mr.Aditya Sharma, learned counsel appearing for the applicant in M.Cr.C.No.5489 of 2015 would submit that motor-cycle has been recovered from the possession of applicant-Pappu @ Pawan Singh, the present applicant was simply pillion-rider being a friend of main accused and has taken the lift from applicant-Pappu @ Pawan Singh Thakur. He was not aware that motor-cycle was stolen by applicant-Pappu @ Pawan Singh Thakur and it has been recovered from his possession.

6. On the other hand, learned counsel for the State would oppose the bail applications.

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

8. Taking into consideration the facts & circumstances of the case, nature & gravity of offence and recovery of motor-cycle from main accused Pappu Singh Thakur, this Court is of the opinion that present is not a fit case, in which, applicant-**Pappu Singh Thakur** should be enlarged on regular bail. Consequently, bail application i.e. M.Cr.C.No.5405 of 2015 filed on behalf of applicant-**Pappu @ Pawan Singh Thakur** is rejected. However, taking into consideration the facts & circumstances of the case, nature & gravity of offence and considering the submission that co-accused Mantu Singh @ Teku is only pillion-rider and has only taken lift and was not involved in offence in question,

this Court is of the opinion that present is a fit case, in which, applicant-**Mantu Singh @ Teku** should be enlarged on regular bail.

9. Accordingly, the bail application i.e. M.Cr.C.No.5489 of 2015 filed on behalf of applicant-**Mantu Singh @ Teku** under Section 439 of the Cr.P.C. is allowed.

10. It is directed that applicant-**Mantu Singh @ Teku** shall be released on bail on his 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

B/-