

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.621 of 2016

1. Yogesh Kothar, S/o Shivlochan Kothar, aged about 35 years, R/o Sector-4, Upadhyay Nagar, Raipur, District Raipur (C.G.)
2. Saiyyed Azhar, S/o Saiyyed Majhar, aged about 33 years, R/o Tatibandh, Raipur, District Raipur (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Amanaka, Raipur, District Raipur (C.G.)

---- Non-applicant

For Applicants:	Mr. Pushpendra Kumar Patel, Advocate.
For Non-applicant:	Mr. Suvigya Awasthi, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. AgrawalOrder On Board11/02/2016

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.179/2015, registered at Police Station Amanaka, Raipur, for the offence punishable under Section 379 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that on 4-9-2015, the applicants have stolen the motorcycle owned by Devsharan Sahu and thereby committed the offence.
3. Learned counsel for the applicants submits that the applicants have not committed any offence and they have been falsely implicated in the case, they are in jail since 16-11-2015 and charge-sheet has been filed.
4. On the other hand, learned State counsel opposes the application and submits that the vehicle in question has been recovered from the possession

of applicant No.1 and applicant No.2 has actively participated in stealing the motorcycle.

5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the applicants and consequent recovery, I am not inclined to grant bail to the applicants. Consequently, the application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge