

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 856 of 2016

1. Md. Jakir S/o. Nawab Ali, aged about 23 years,
2. Md. Monideen S/o. Abdul Hakim aged about 60 years,

Both are resident of village Beltara, Tahsil and Police Station Ratanpur,
Civil and Revenue District Bilaspur (C.G.)

---- Applicants.

Versus

State Of Chhattisgarh Through : Station House Officer, Police Station
Deepka, District Korba (C.G.)

---- Respondent

For Applicant	:-	Mr. C.P. Lahre, Advocate
For Respondent/ State	:-	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/02/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 120/2015 registered at Police Station- Deepka District – Korba (C.G.) for the offence punishable under Sections 394,120-B of Indian Penal Code and section3, 7 of Essential Commodities Act.
2. The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after filing of the charge sheet on 08.12.2015 in M.Cr.C. No. 6687/2015.
3. Case of the prosecution, in brief, is that on 29.10.2015 the applicant along with another co-accused has stolen 750 liters of diesel from S.E.C.L. Gevra mines which was kept for the vehicle of S.E.C.L. Thereby, the offence is committed.

4. Counsel for the applicant submits that the applicant is the owner of a shop and his brother have three vehicles and for the use of vehicles the applicant had purchased the diesel in advance and he has been falsely implicated in this case. He further submits that the charge sheet in this case has been filed and no further evidence is required in this case, therefore, the applicant may be enlarged on bail.
5. State counsel opposes the prayer for grant of bail.
6. Having regard to the fact and the nature of offence and the degree of allegations levelled against this applicant and taking into the fact that the charge sheet has been filed in this case and considering the fact that the applicant is in jail since 28.10.2015, this Court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. are allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-

(Goutam Bhaduri)

Judge