

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6351 of 2016

1. Parmeshwar S/o Govind Aged About 28 Years R/o Village Shivpur Police Station & Tehsil Ramanujnagar, District Surajpur Chhattisgarh
 2. Mohd. Shahid S/o Mohd. Tabarak Aged About 25 Years R/o Village Shivpur Police Station & Tehsil Ramanujnagar, District Surajpur Chhattisgarh
- Applicants**

Versus

- State of Chhattisgarh through : Station House Officer Police Station Kotwali Ambikapur District Surguja Chhattisgarh
- Respondent**

For the applicant	:	Mr. Nishi Kant Sinha, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.10.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 472 of 2016 registered at P.S. Kotwali, Ambikapur (C.G) for the offence punishable under Sections 379, 411, 34 of IPC.
2. As per the prosecution case, on 08.07.2016 one motorcycle belonging to Deepak Tiwari was stolen. Subsequently 3 persons namely Shatrughan, Bholu, Naushad Khan were caught on the allegations that they have stolen different motorcycles and on the memorandum of Shatrughan, it was revealed that the present applicants have purchased some other stolen motorcycles.
3. Learned counsel for the applicants would submit the applicants have been falsely implicated in this case and they are bonafide purchasers of the vehicles. He submits that the

vehicle which was stolen from complainant Depak Tiwari was not recovered from the present applicants but the alleged two motorcycles which are said to be stolen were recovered from the possession of the present applicants Parmeshwar and Mohd. Shahid and it was recovered on the memorandum of other accused, therefore, the applicants have not committed any offence.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the statement of accused Shatrughan. Prima facie, it appears that the present applicants have purchased the vehicles for certain consideration.
6. Considering the recovery which was made after taking the memorandum of accused Shatrughan and the nature of allegations levelled against the present applicants, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE