

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6746 of 2016

- Virendra Rai S/o Salikram Sai Aged About 32 Years R/o Jarhabhata, Ward No. 12, Mother Teresa Bilaspur, Police Station Civil Line Bilaspur, Civil & Revenue District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Acting Through Officer- In- Charge, Police Station- Hirri, Civil & Revenue District- Bilaspur, Chhattisgarh.

---- Respondent

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MCRC No. 6734 of 2016

- Virendra Rai S/o Salikram Rai Aged About 32 Years R/o Jarhabhata, Ward No. 12, Mother Teresa Bilaspur, Police Station- Civil Line Bilaspur, Civil & Revenue District- Bilaspur, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Acting Through Officer- In- Charge, Police Station- Hirri, Civil & Revenue District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Kripesh G.. Kela, Advocate
For Respondent/State : Mr. U.K.S. Chandel and Mr. Vivek Singhal, Panel Lawyers.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03-11-2016

1. Since both the cases are in similar nature which arise out of Crime Nos. 127 of 2016 and 128 of 2016, they are heard analogously and are being disposed of by a common order.
2. These are second bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 25-08-2016 in connection with

Crime No. 127 of 2016 & 128 of 2016, registered at Police Station Hirri, District Bilaspur (CG) for the offence punishable under Sections 411 and 379/34 of the IPC. Earlier first bail applications were dismissed as withdrawn with liberty to file afresh after charge-sheet is filed on 21-9-2016.

3. Case of the prosecution, in brief, is that the applicant had committed theft of Batteries from various motor-cycles which were parked at Police Station and thereby the aforesaid offence was committed.
4. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, there is no evidence against the applicant and false allegations have been leveled against the applicant. He would further submit that there is no identification of the Batteries and he is a bona fide purchaser of the Batteries. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 25-8-2016 and no further investigation is required, therefore, he may be released on bail.
5. On the other hand, learned State counsel opposes the prayer for grant of bail.
6. I have heard learned counsel for the parties, perused the case diary and other documents.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 25-8-2016, this court is inclined to release the applicant on bail.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed and it is directed that the applicant Virendra Rai shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- on each count (in connection with Crime No. 127 of 2016 & 128 of 2016) with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju