

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6854 of 2016

1. Gourishankar S/o Pyarelal, Aged About 22 Years R/o Village Hirri Police Station - Hirri, District Bilaspur Chhattisgarh
2. Vivek Maravi, S/o Pawan Singh Gond, Aged About 22 Years R/o Village Hirri, Police Station Hirri, District Bilaspur Chhattisgarh

---- Petitioners

Versus

- State Of Chhattisgarh Through District Magistrate, Bilaspur District Bilaspur Chhattisgarh

---- Respondent

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MCRC No. 6868 of 2016

1. Gourishankar S/o Pyarelal Gond, Aged About 22 Years R/o Village Hirri, Police Station Hirri, District Bilaspur Chhattisgarh
2. Vivek Maravi, S/o Pawan Singh Gond, Aged About 22 Years R/o Village Hirri, Police Station Hirri, District Bilaspur Chhattisgarh

---- Petitioners

Versus

- State Of Chhattisgarh Through - District Magistrate Bilaspur District Bilaspur Chhattisgarh

--- Respondents

For Applicants : Mr. Akhtar Hussain, 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 first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 22-8-2016 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 379 & 411 of the IPC.
3. Case of the prosecution, in brief, is that the applicants had committed theft of Battery from Hywa vehicle belonging to Bittu Yadav and sold it to one Virendra which is costing Rs.5,000/-. It is also alleged that the applicants 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 applicants would submit that the applicants have been falsely implicated in the case, there is no evidence against the applicants and false allegations have been leveled against the applicants. He would further submit that so far as applicant No.1 Gourishankar is concerned, there is no identification of the Battery and so far as applicant No.2 Vivek Maravi is concerned, he is a bona fide purchaser of the Battery. He would further submit that charge-sheet has been filed in this case, the applicants are in jail since 22-8-2016 and no further investigation is required, therefore, they 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 applicants and further

considering the fact that charge-sheet in this case has been filed and the applicants are in jail since 22-8-2016, this court is inclined to release the applicants on bail.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed and it is directed that the applicants Gourishankar and Vivek Maravi shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- on each count with one surety in the like sum to the satisfaction of the concerned trial Court for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju