

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 7154 OF 2017

Rishabh Jain (Barmath) (wrongly mentioned as Bargath), aged about 23 years, S/o Shri Dipak Jain (Barmath), R/o Nayapara, Raipur, District Raipur (C.G.)

... Applicant

versus

State of Chhattisgarh, through : Police Station Ratanpur, District Bilaspur (C.G.)

... Respondent

MISC. CRIMINAL CASE NO. 7488 OF 2017

Pushpraj @ Bablu Pathak, S/o Late Bachchu Ram, aged about 46 years, R/o Sadak No.4, Qtr. No.1/C, Zone-3, Khursipar, Bhilai, District Durg (C.G.)

... Applicant

versus

State of Chhattisgarh, through : the Station House Officer, Police Station Ratanpur, District Bilaspur (C.G.)

... Respondent

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- Mr. T.K. Jha, Advocate, for the Applicant in M.Cr.C. No. 7154/2017.
 - Mr. Jitendra Gupta, Advocate, for the Applicant in M.Cr.C. No.7488/2017.
 - Ms. M. Asha, Panel Lawyer, for the State.
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Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/12/2017

1. The present are two applications filed under Section 439 of CrPC seeking for grant of bail to the respective Applicants who are in jail since 7.6.2017 in connection with Crime No.145/2017, registered at Police Station- Ratanpur, District- Bilaspur, for the offence punishable under Sections 136, 137 of the Electricity Act, 2003 and Sections 136, 137 read with Section 34 of IPC as well as Sections 379/34, 411 of IPC.

2. Allegation against the Applicants as per the prosecution case is that both the Applicants in connivance with the other co-accused person, namely, Fitruddin, is said to have stolen the electricity wires belonging to M/s Transrel Lighting Limited.

3. Learned Counsels appearing for the respective Applicants submit that the main accused, Fitruddin, has already been granted bail by this Court vide order dated 24.10.2017 passed in M.Cr.C. No. 5650/2017. They further submit that the present Applicants' case is much better, as the present Applicants are the purchasers of the product from the main accused, Fitruddin, without knowing the fact that it was the stolen property. They next submit that the identification of the stolen property has also not been made to establish that it was the same material which was stolen from the custody of the complainant company i.e. M/s Transrel Lighting Limited. They thus prayed for the Applicants to be released on bail.

4. Learned Counsel for the State however opposes the bail applications, on the ground that the consignment of the stolen property was recovered from the possession of Applicant-Rishabh Jain in M.Cr.C. No. 7154/2017 and the said property had been sold by the main accused, Fitruddin, to the Applicant-Pushpraj in M.Cr.C. No. 7488/2017 and thus prayed for the bail applications to be rejected.

5. In the given facts and circumstances of the case, particularly taking note of the fact that the main accused person, Fitruddin, has already been released on bail by this Court and also considering the period of custody undergone by the present Applicants, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicants.

6. Accordingly, both the bail applications are allowed. It is ordered that the both the Applicants shall be released on bail on each of them furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for their appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge