

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 324 of 2017

1. Eklakh Ahmad S/o Jahoor Ahmad Aged About 22 Years R/o Village Mungeli Road, Nandghat, Police Station- Nandghat, District Bemetara, Chhattisgarh.
2. Vakil Ahmad S/o Jahoor Ahmad Aged About 26 Years R/o Village Mungeli Road, Nandghat, Police Station- Nandghat, District Bemetara, Chhattisgarh.

--- Applicants

Versus

- State of Chhattisgarh through Station House Officer, Police Chowki Sargaon, Police Station- Patharia, District Mungeli, Chhattisgarh. ----
Respondent

For the applicants	:	Mrs. Fouzia Mirza, Advocate
For the Respondent	:	Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30.1.2017

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. 298/2016 registered at Sargaon Police Chowki, Thana Pathariya, Distt. Mungeli (C.G) for the offence punishable under Sections 394, 411, 414/34 of IPC.
2. As per the prosecution case, one Anish Kumar Chauhan lodged a report on 24.09.2016 that he loaded aluminum ingots from Balco to transport it to Raipur. On the way, while he was taking rest in the cabin near a Dhabha, 3 accused came there and tied the hands of the complainant and forcibly took the truck to Raipur wherein out of 28 aluminum ingots, 4 pieces have been unloaded at the premises of the present applicants who are dealing in scrap material thereby

the applicants and other accused have committed offence.

3. Learned Counsel for the applicants would submit that the applicants have been falsely implicated in this case and out of 28 pieces of aluminum ingots, only 4 pieces were unloaded at their premises and the applicants were not present at the scene of crime which would be evident from the memorandum of the present applicants and therefore, at the most the the case would fall u/ss 411 & 414 IPC. She further submits that the charge sheet in this case has been filed; no further investigation is necessary and the applicants are in jail since 25.09.2016, therefore, they may be enlarged on bail.
 4. Per contra, learned State Counsel opposes the bail.
 5. Perused the case diary and the documents as also the memorandum of the present applicants.
 6. Taking into consideration the nature of allegations levelled against the applicants and as appears they were receivers of the stolen goods and further taking into fact that the charge sheet has been filed; offence is triable by the JMFC and the applicants are in jail since 25.09.2016, I am inclined to release them on bail.
 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