

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 486 of 2017

1. Ravi Dewangan, S/o. Shri Ashok Dewangan, Aged About 24 Years, R/o. Ward No. 56, Om Nagar, Durg, Police Station Pulgaon, Tahsil & District Durg, Chhattisgarh.
2. Dhal Singh Dewangan, S/o. Late Pardeshi Dewangan, Aged About 24 Years, R/o. Village Dundera, Police Station Utai, Tehsil & District Durg, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station Supela Bhilai, Tehsil & District Durg, Chhattisgarh.

---- Respondent

For Applicant s : Mr. Avinash Chand Sahu, Advocate

For Respondent : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/02/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.1094/2016 registered at Police Station- Supela, District Durg (C.G.) for the offence punishable under Sections 379, 471, 482, 48, 34 of Indian Penal Code.
2. As per the prosecution case, a report was made by one Sheikh Arshad on 25.11.2016 that on 17.11.2016 his TVS motorcycle bearing No.C.G.07 AJ 8906 was stolen. Subsequently, Farukh and Jaspal were arrested and on their memorandum the vehicle was recovered from Dhal Singh, which was sold in the intervention of Ravi Dewangan.

3. Learned counsel for the applicants would submit that the applicants have not stolen the motorcycle, the main allegation of sealing the motorcycle was on Farukh and Jaspal and the applicant No.1 Ravi Dewangan has only introduced applicant No.2 Dhal Singh, the purchaser, to purchase the vehicle; therefore, the applicant Dhal Singh being a purchaser and applicant Ravi Dewangan who introduced the seller may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, documents and the memorandum. It appears that the applicant No.2 Dhal Singh was the bonafide purchaser whereas applicant No.1 Ravi Dewangan alongwith other co-accused sold the vehicle. Taking into the role played by the applicant No.1 Ravi Dewangan, I am not inclined to release him on bail. However, with respect to the applicant No.2 Dhal Singh, considering the role played by him, as he appears to be a purchaser for consideration, I am inclined to release him on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. on behalf of the applicant No.1 Ravi Dewangan is dismissed and with respect to the applicant No.2 Dhal Singh Dewangan is allowed.
7. It is directed that the applicant No.2 Dhal Singh Dewangan shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge