

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 708 of 2017

- Shanker Niyal S/o Benudhar Niyal, Aged About 19 Years R/o Village Gondbhanga, Post Dallipali, Police Station Khaprakhol, District Balangir Orissa
– **Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Bemetara, District Bemetara Chhattisgarh
--- **Respondent**

MCRC No. 744 of 2017

- Shanker Niyal S/o Benudhar Niyal Aged About 19 Years R/o Village Gondbhanga, Post Dallipali, Police Station Khaprakhol, District Balangir (Orissa)
--- **Applicant**

Versus

- State of Chhattisgarh through: Station House Officer, Police Station, Balod, District- Balod, Chhattisgarh
--- **Respondent**

For the applicant	:	Mr. B.P. Singh, Advocate
For the Respondent	:	Mr. Anant Bajpai, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.03.2017

1. These are two bail applications filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant for the offence punishable u/s 379 IPC. M.Cr.C.No.708/2017 is relating to Crime No. 588/2016 registered at P.S. Bemetara, Distt. Bemetara and M.Cr.C.No. 744/2017 is relating to Crime No.186/2016 registered at Police station Balod, Distt. Balod (C.G). Since the applicant is the same person who is involved in both the crime numbers relating to similar offence, these bail applications are decided together by this common order.

2. As per the prosecution case, in Crime No.588/2016 a report was made by Yashwant Sahu on 26.10.2016 that on 29.09.2016 his motorcycle bearing No.C.G.08-F/8685 was stolen from Bemetara. Subsequently the applicant was arrested in Crime No.6 of 2016 wherein on enquiry it was revealed that he along-with his other companions have stolen 25 two wheelers from different places of Raipur, Korba, Durga, Bilaspur, Bemetara etc. The present applicant thereafter on memorandum revealed that the motorcycle which was stolen was kept in a parking place of hospital and it was recovered, thereby the offence is committed.
3. In Crime No.588/16 a report was made by Syed Wasim Rajak on 26.4.2016 that his motorcycle was stolen. Subsequently when the applicant was arrested in Crime No.6/2016 on investigation it reveals that the said motorcycle was stolen along-with other co-accused and it was kept at the parking place of the hospital and it was recovered.
4. Learned counsel for the applicant would submit that initially only on suspicion the applicant was arrested and no report was made and the motorcycle which was alleged to have been seized was not stolen by him and only certain motorcycles were seized from parking place of the hospital and the allegations have been attributed to the present applicant. He further submits that in Crime No.186 of 2016 the seizure witnesses have not supported the case of prosecution, therefore, it would show that the applicant has been falsely implicated in both the cases and he may be enlarged on bail.
5. Per contra, learned State Counsel opposes the bail.
6. Perused the case diary documents.

7. On memorandum, it reveals that as many 25 motorcycles were stolen by the applicant and other accused and two motorcycles were seized at the instance of the present applicant from a parking place. The argument that the seizure witnesses have not supported the case of prosecution is completely misconceived and wrong statements have been made. It appears that the seizure witnesses Umesh Kumar and Santosh Kumar have not been examined.
8. Considering the recovery of stolen motorcycles and the way the offence has been committed, I am not inclined to enlarge the applicant on bail. Accordingly, both the applications are rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**