

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2142 of 2017**

- Kush Kumar @ Chhotoo S/o Videshi Sidar, Aged About 25 Years R/o Bhaisamuhan, Police Station Chandrapur, Tahsil Dabhara, District Janjgir Champa, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Officer In Charge, Police Station Chandrapur, District Janjgir Champa, Chhattisgarh.

---- Respondent**MCRC No. 2246 of 2017**

- Dilip Kaser S/o Shri Dwarika, Aged About 21 Years R/o Raibar, Police Station & Tahsil Pussore, District Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate Janjgir, District Janjgir Champa, Chhattisgarh.

-----Respondent

For Applicants : Shri Badruddin Khan, Advocate in MCRC No. 2142/2017 and Shri Abhishek Saraf, Advocate in MCRC No. 2246/2017

For Respondent/State : Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****18.4.2017**

1. Heard the matter finally.
2. As both the matters arise out of the same crime no., hence, both the MCRCs are being disposed of by this common order.

3. These applications are filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with crime No.23/2017 registered at Police Station Chandrapur, District Janjgir Champa (CG) for the offence punishable under Sections 379/34, 511 IPC.

4. Learned counsel for the applicant submits that the applicants are in detention since 17.2.2017. After investigation, charge sheet has been filed against 9 accused persons including both the applicants and one co-accused is absconding. The matter is pending before the JMFC, Dabhra as crime no.142/2017. As per allegations, live electric cable wire was cut and stolen by the applicants worth Rs.96,000/-.

5. Heard learned counsel for the applicant Kush Kumar. He submits that no wire has been seized from the possession of the present applicant though as per allegations in his pick up the alleged wire was being transported. The applicant is in jail since 2 months.

6. Learned counsel for the applicant Dilip Kaser would submit that though as per seizure memo 255 meters of the cable wire is seized along with a motorcycle from him but he has been falsely implicated and there is no identification as to the said wire belonging to whom. Learned counsel submit that the trial will take time, therefore, the applicants may be enlarged on bail.

7. On the other hand, learned counsel for the State opposes the bail application. He submits that as per allegations electrically

charged live cable wire was cut and being transported worth Rs.96,000/-. One line man of the concerned electrical distribution company lodged the report that the impugned company had submitted material to demonstrate the prize and other contents regarding the wire.

8. I have heard the counsel appearing for the parties and perused the material.

9. On due consideration, looking to the evidence collected in the matter as the applicants were involved and engaged in transportation, also 255 meters cable wire was seized from the applicant Dilip Kaser and as the offence to cut the electrically charged wire is a serious one, I am not inclined to grant bail to the present applicants. Consequently, both the bail applications filed under Section 439 of the Cr.P.C. are dismissed.

10. Original copy of the order be kept in MCRC No. 2142/2017.

11. MCRC No.2142/2017 and MCRC No. 2246/2017 are dismissed.

**Sd/
(Chandra Bhushan Bajpai)
JUDGE**