

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4492 of 2017**

1. Mohm.Hasan S/o Mohammad Tajuddin, Aged About 24 Years R/o Hasan Nagar, Birta Chouk, Police Station Ghodasahan, District Motihari (Bihar) Mobile No. 9039888146
2. Kunal Kumar S/o Shri Jitu Shah, Aged About 23 Years R/o Near Ghodasahan Railway Station Police Station Ghodasahan District Motihari Bihar

---- Petitioners**Versus**

State Of Chhattisgarh Through Police Station City Kotwali, District Raipur Chhattisgarh

---- Respondent

For the Petitioners : Shri D.K. Gwalre, Advocate.
 For the Respondent/State : Shri Wasim Miyan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****31.10.2017**

1. Heard.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.69 of 2017, registered at Police Station – City Kotwali, Raipur, District – Raipur, Chhattisgarh for the offence punishable under Sections 457 and 380 of the Indian Penal Code.
3. Learned counsel for the applicants submits that the applicants are in jail since 05.03.2017 and the applicants have been falsely implicated in this case. The said recovery of mobile sets from the applicants has no connection with the property stolen. Receipt dated 18.2.2017 is produced with the application which shows the purchase of one mobile set by applicant No.1 – Mohmmad Hasan, which is one of the mobiles recovered from his

possession. The case has been investigated and charge-sheet has been filed. According to the material of the prosecution case, there is no evidence against the applicants. Hence, it is prayed that the applicants be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the incident of theft has taken place by cutting open the shutter of the shop and by taking away 251 numbers of mobile sets, cash of Rs.1,25,0000/-, camera and other articles of worth Rs.57,00,000/- and as such, huge amount is involved in this offence. There is also evidence against the applicants found in the investigation on the basis of their memorandum statements. Looking to the magnitude of the offence and also the fact that the applicants are not the residents of this State, it is prayed that the application be rejected.

5. Heard counsel for both the parties and perused the case diary.

6. Considering the submissions made and as per the contents of the case diary, and also looking to the fact that the applicants are residents of State of Bihar and also considering on the evidence that is proposed to be presented before the trial Court, I am of the considered view that the applicants are not entitled for grant of bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge