

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4409 of 2017**

1. Jitendra Sinha S/o Mahendra Sinha, Aged About 19 Years R/o Village Pander, Police Station Patan, Tahsil Patan Tahsil Patan Distt.Durg CG
2. Manas Verma @ Ankush Verma, S/o Nem Singh Verma, Aged About 19 Years R/o Village Bori, Police Station Ranitarai, Tahsil Patan District Durg Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through District Magistrate Durg, And Also
Through Police Station Purani Bhilai -3 District Durg Chhattisgarh

---- Respondent

For applicant	Mr. Pushpendra Kumar Patel, Adv.
For Respondent/State	Mr. Vasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****8-8-2017**

1. Heard finally.
2. The applicants have preferred this application for grant of bail as they are arrested on 12-6-2017 in connection with Crime No. 170/2017 registered in PS Purani Bhilai-3, Distt. Durg (CG) for offence punishable under Section 379, 34 of the Indian Penal Code, 1860.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the JMFC, Bhilai-3 as criminal case No. 345/2017. This is their first bail application before this Court. As per allegation, on the basis of the disclosure statement of Applicant No. 1 under Section 27 of the Evidence Act, 1872 and the disclosure statement of Applicant No. 2 and after his memorandum, the motorcycle already stolen has been seized. They will not commit any offence in future if granted bail. They may be granted bail as the

trial may take time.

4. Per contra, learned State counsel opposes the arguments advanced on behalf of the applicants and submits that initially Applicant No. 1 gave his disclosure statement under Section 27 of the evidence Act, 1872 and gave information that the motorcycle stolen is in custody of applicant No. 2. Thereafter police also recorded disclosure statement A-2 and then after his memorandum, the motorcycle stolen was seized. Also earlier Crime No. 136/2017 under Section 379, 34, IPC was registered against the applicants which shows their criminal antecedent. Hence instant bail application may be dismissed.
5. Perused the entire material.
6. Looking to the admissibility of “so much of such information where it amounts to a confession or not as relate distinctly to the fact thereby discovered may be proved”, the applicant No. 2 also gave disclosure statement and thereafter at the instance of Applicant No. 2, the motorcycle was seized, both the applicants are not in a position to demonstrate as to how the motorcycle already stolen came to their possession. The complainant earlier lodged report of theft of his motorcycle. During investigation said motorcycle found to be of said complainant and also looking to the earlier criminal antecedent of the similar offence under Section 379, 34, IPC, I am not inclined to grant bail to the applicants.
7. Consequently, instant MCRC is dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge