

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1747 of 2017

1. Hitesh Kumar S/o Dileshwar Sahu, Aged About 26 Years R/o Village Birgahani, Police Station And Tahsil Janjgir, District- Janjgir Champa, Chhattisgarh.
2. Ravi Kumar Sahu, S/o Rajkumar Sahu, Aged About 27 Years R/o Village Birgahani, Police Station And Tahsil Janjgir, District- Janjgir Champa, Chhattisgarh.

---- Petitioners

Versus

- State of Chhattisgarh Through: , Police Station Navagarh, District-Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Parag Kotecha, Advocate
For Respondent/State	:	Mrs. M. Asha, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

6-4-2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 31-12-2016 in connection with Crime No. 339 of 2016, registered at Police Station Navagarh, District Janjgir-Champa (CG) for the offence punishable under Section 394/34 of the IPC.
2. As per prosecution, a report was made by the complainant Meghnath Chandra on 31-12-2016 that when he was driving the vehicle of Takeshwar Das @ Mahant, the applicants came to him holding the vehicle to ply as taxi to go to Kota and Godni and while they were coming back from Godni, the applicants assaulted him and took away the vehicle bearing registration CG-10-F-3212 along with mobile phone and thereby the aforesaid offence has been committed.

3. Learned counsel for the applicants would submit that this is a second bail petition, earlier first bail petition was dismissed as withdrawn with liberty to repeat the same after charge-sheet is filed. He would further submit that as per case documents, the agreement was executed in between Dileshwar and Dilip Singh and thereafter the agreement was executed in between Dilip Singh and Takeshwar for purchase of the vehicle and Dileshwar Sahu was registered owner and applicant No.1 Hitesh Kumar is his son, therefore, the complainant himself has not paid the amount of installment and in order to avoid the same, he has lodged the report. He would further submit that the applicants have been falsely implicated and there is no evidence against the applicants. He would further submit that charge-sheet has been filed, the applicants are in jail since 31-12-2016 and no further investigation is necessary, therefore, they may be released on bail.
4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perusal of the case diary and documents would show that there are two agreements existing in between the parties; one is in between Dileshwar and Dilip Singh and another is in between Dilip Singh and Takeshwar for sale of the vehicle. There is no investigation to the effect that in whose name the vehicle was registered.
7. Considering the facts and circumstances of the case and further considering the fact that charge-sheet has been filed, the applicants are in jail since 31-12-2016 and no further investigation is necessary, I am inclined to release the applicants on bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju