

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 394 of 2018

1. Dhirendra Kumar S/o Ramdut, Aged About 33 Years Junior Sub Engineer Railway, R/o Railway Colony Kuklur, Police Station Koderan, District Dantewada Chhattisgarh, Chhattisgarh.
2. Vikash Kumar, S/o Upendra Singh, Aged About 33 Years Trackman Railway, R/o Railway Colony Kuklur, Police Station Koderan, District Dantewada Chhattisgarh, District : Dantewada, Chhattisgarh.

---- Applicants

Versus

- Union Of India Through Railway Ministry, Station House Officer, Police Station Railway Police Force Dantewada, District Dantewada Chhattisgarh, District : Dantewada, Chhattisgarh.

---- Respondent

For Applicants	: Ms. Indira Tripathi, Advocate
For Respondent	: Mr. Abhishek Sinha, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02.02.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants, who have been arrested in connection with Crime No.06/2017, registered at Police Station –Railway Police Force, Dantewada, District – Dantewada (C.G), for the

offences under Sections 3 (1) and Section 4 of Railway Property (Unlawful Possession) Amendment Act, 2012.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case, only on the basis of Statement made by the co-accused persons memorandum under Section 27 of Evidence Act. Further it is submitted that the applicants are Railway employees and there is no chance of their abscondance. They are in jail since 02.01.2018 and ready to abide by the conditions which may be imposed upon them while granting bail, therefore, it is prayed that the applicants may be released on bail.
3. Learned counsel for respondent opposes the bail application and submits that both the applicants have made incriminatory statement before the officer of Railway Protection Force and this statement of confession is admissible in evidence, according to the ratio laid down in the matter of **Balkishan A. Devidayal. Versus State of Maharashtra**, reported in **1980 CRI L. J. 1424**, hence, the applicants are not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. As the case is, a railway engine met with an accident and one of the part of the said engine contained 300 Kg of copper, it is alleged that both the applicants planned with co-accused persons to steal and sell out the said copper. The stolen articles have been seized at the instance of the co-accused persons.

6. Considered, taking into consideration this fact that both the applicants are railway employees, after completion of investigation complaint has been filed and no purpose would be served, if the applicants are kept in detention till the completion of the trial, for this reason this Court is of the opinion that this is a fit case, where the applicants are entitled for grant of bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

Jamal