

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1119 of 2018

1. Brihaspati Deep S/o Hemu Deep Aged About 39 Years R/o Qr. No. 126, Masapara Bastanar, P.S. - Kodenar District- Dantewada (C.G.), District : Dantewada, Chhattisgarh
2. Sudru Yadav @ Penda S/o Late Butodi Aged About 35 Years R/o Kumarsadra, P.S. - Kodenar District- Dantewada (C.G.), District : Dantewada, Chhattisgarh
3. Rinku Sahu S/o Panchuram Sahu Aged About 27 Years R/o Borpadar Schoolpara, P.S. Geedam District- Dantewada (C.G.), District : Dantewada, Chhattisgarh

---- Applicants

Versus

- The Union Of India G.R.P. Thana Dantewada, District- Dantewada (C.G.), District : Dantewada, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Utsav Mahiswar on behalf of Mr. P.R. Patankar, Advocate.
For Respondent-Union of India	:	Mr. Abhishek Sinha, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/02/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who have been arrested in connection with Crime No. 6/2017 registered at Police Station- RPF Thana District – Dantewada C.G.) for the offence punishable under Sections 3(a) & 4 of the Railway Property (Unlawful Possession), Act 1966.
2. Learned counsel for the applicants submits that the applicants have

falsely been implicated in this case and they are in jail since 1.1.2018.

The co-accused persons in this case have been granted bail by this Court and applicants also stand in the same footing. Investigation has been completed in this case. Applicants are local residents of District-Dantewada and there is no likelihood of his absconsion. Hence, it is prayed that they may be released on bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that applicants No.1 and 2 are the persons on whose instance the articles of theft was recovered from applicant No.3, hence, looking to the evidence against them, they are not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. The case against the applicant is this, that a railway engine met with an accident and was kept standing on the spot. The Railway Employees namely the co-accused Dhirendra Kumar and Vikas Kumar conspired with applicants No.1 and 2 to steal a part of the said engine which was of copper amounting to 300 kgs. Subsequently the said part was stolen and sold to applicant No.3.
6. On perusal of the case diary and taking into consideration this fact that the co-accused Dhirendra Kumar and Vikas Kumar have granted bail by this Court in MCRC No.394/2018 vide order dated 2.2.2018, I am of this opinion that applicants in this case are also similarly placed who also deserves to be granted 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 their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court,

for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha