

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 307 of 2018

1. Santosh Kumar Binjwar And Anr. S/o Shyam Lal Binjwar Aged About 28 Years By Caste- Binjwar, R/o Kesla Chowki, Hardibazar, Tahsil Pali, Distt. Korba Chhattisgarh, Chhattisgarh
2. Mohammad Tauhid S/o Mohammad Aayub, Aged About 24 Years R/o Village- Suryaday Nagar, Pali, Tahsil Pali, Distt. Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through, Station House Officer Police Station- Deepka, Distt. Korba Chhattisgarh, Chhattisgarh

---- Respondent

MCRC No. 1118 of 2018

- Shyam Lal Binjwar S/o Late Dhajaram Aged About 48 Years R/o Kesla Chowki, Hardibazar, Tahsil- Pali, District- Korba (C.G.), District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through, Station House Officer, Police Station- Deepka, District. Korba (C.G.), District : Korba, Chhattisgarh

---- Respondent

For Applicants	:	Mrs. Indira Tripathi, Advocate in MCRC No.307/2018.
		Mr. Saleem Kazi, Advocate in MCRC No.1118/2018.
For Respondent	:	Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

23/04/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. These are the first bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the applicants as they have been arrested in connection with Crime No. 179/2017 registered at Police Station- Deepka, District-Korba (C.G.) for the offence punishable under Sections 447, 379, 34 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submit that applicants have been falsely implicated in this case. Applicants Santosh Kumar Binjhar and Shyamlal Binjhar are in jail since 8.12.2017 and applicant Md. Tauhid is in jail since 21.12.2017. After completion of investigation, charge-sheet has been filed. The applicants are ready to abide by all the conditions which may be imposed while granting bail to them. Hence, it is prayed that applicants be enlarged on bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that applicants are habitual offenders and being engaged in commission of similar crime, hence, they are not entitled for grant of bail.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case, on the date of incident 70 litres diesel kept in two jarricans was seized by the police personnel of PS-Deepka, which was being transported in Jeep CG-15B-7469 which was in abandoned condition. Later on, the applicants have been apprehended and they have given statement on memorandum under Section 27 of Evidence Act admitting their guilt. Hence, this case.

7. Considered on all the material present in the case diary, I am of this view that this is a fit case where applicants should be released on regular bail.
8. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are 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 trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha