

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6869 of 2017

- Abid Husain @ Achchhan S/o Mubarak Husain, Aged About 33 Years R/o Maudaha, District Hameerpur (U.P.) Present Address Gazi Nagar, House Of Mohammad Wasim, Birgaon, P.S. Urla Tahsil And District Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Khamtarai, District Raipur, Chhattisgarh

---- Non-applicant

And

MCRC No. 7089 Of 2017

- Mohammad Nijamuddin S/o Mohammad Kaimuddin, Aged About 30 Years R/o Gaji Nagar, Rakesh Kirana Shop, Beergaon, Post Office & Police Station Urla, Raipur, District Raipur, Chhattisgarh

---- Applicant

Vs

- State Of Chhattisgarh Through The Station House Officer, Police Station Khamtarai, District Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Wasim Miyan, Advocate (in MCRC No.6869/2017),
Shri Shivendu Pandya, Advocate (in MCRC No.7089/2017).
For Non-applicant/State – Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-01-2018

1. As both these MCRC arise out of the same crime number, i.e., Crime No.331/2017 registered at P.S. Khamtarai, District Raipur, C.G. for the offence under Section 379, 34 of the IPC, they are being decided by this common order.
2. Heard on both the applications filed under Section 439 of the Cr.P.C. These are first bail application before this Court by the applicants for regular bail. They have been arrested on 05-08-2017 in connection with aforesaid crime number and offence.
3. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. The case has been investigated and charge sheet has been filed. The applicants are in jail since 05-08-2017. Both the

applicants are residents of District Raipur and are ready to comply with all the conditions imposed on them on grant of bail. Hence, it is prayed that the applicants may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications and submission made.

5. Heard learned counsel for the parties and perused the case diary.

6. The case against the applicants is this, that they committed theft of one truck bearing registration No. C.G.04 J.C. 7572 and thereafter they removed all the tyres and with this left the truck as unclaimed property. After lodging of the FIR, the stolen property has been recovered from the possession of both the applicants on the basis of their memorandum statement.

7. Considered on the submissions made and contents of the case diary. Taking into consideration the facts that both the applicants are local residents, their availability before the trial Court can be ensured and no purpose would be served, if they are kept in detention till conclusion of the trial, this Court is of the considered view that the applicants should be enlarged on bail in the present matter.

8. Consequently, the applications (MCRC No.6869/2017 and MCRC No.7089/2017) filed under Section 439 of the Cr.P.C. by the applicants are hereby allowed. 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 each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge