

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 551 of 2018**

Asgar Ali S/o Mohd. Kurban Ali, aged about 27 years, R/o Korea Colliery, Tahsil Baikunthpur, District- Korea (C.G.).

**---- Applicant**

**Versus**

State of Chhattisgarh, through – Station House Officer, Outpost- Korea Colliery, Police Station – Chirmiri, District- Korea (C.G.)

**---- Respondent**

**AND**

**MCRC No. 1793 of 2018**

Nishad Khatik @ Pintu S/o Mahant Khatik, aged about 20 years, R/o Tikrapara Badi Bazar, Police Station Chirmiri, District- Korea (C.G.)

**---- Applicant**

**Versus**

State of Chhattisgarh, through – Station House Officer, Outpost- Korea Colliery, Police Station – Chirmiri, District- Korea (C.G.)

**---- Respondent**

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|----------------|---|---------------------------|
| For Appellants | : | Mr. Anil Gulati, Advocate |
| For Respondent | : | Mr. Sumit Jhanwar, PL     |

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Hon'ble Shri Justice Arvind Singh Chandel

**Judgment on Board**

**22/03/2018**

1. Heard.
2. Since both the cases arise out of same Crime number, therefore, they are being disposed of by this common order.

3. The applicants have preferred first bail application (in both the cases) under Section 439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 469/2017 registered at Police Station- Chirmiri, District- Korea (C.G.) for the offence punishable under Sections 457, 380 of IPC and Section 3 (A) of the Railway Property (Unlawful Possession) Act, 1966 (in MCRC No. 551/2018) and under Sections 457, 380, 120 (B) of IPC and Section 3 (A) of the Railway Property (Unlawful Possession) Act, 1966 (in MCRC No. 1793/2018).
4. It is alleged that some unknown person committed theft of some copper wire and battery, total costing of Rs. 40,000/-, from the regional store, Korea. The matter was reported by Mayank Sharma and the applicants were arrested on 15/12/2017.
5. Learned counsel appearing on behalf of the applicants submits that the applicants have been falsely implicated in the present case and they are in jail since 15/12/2017. Charge-sheet has been filed and the trial will likely to take some time to conclude, therefore, they may be released on bail.
6. Per contra, learned counsel appearing on behalf of the State opposes the bail application and submits that there was a previous offence registered against these applicants and they are habitual to commit crime. He further submits that on the memorandum of these applicants, some theft property has been seized, therefore, they are not entitle for bail.
7. I have heard learned counsel for both the parties.

8. Considering the facts and circumstances of the case, particularly considering that the matter is triable by the Judicial Magistrate First Class; charge-sheet has already been filed; they are in custody since 15/12/2017 and the trial will likely to take some time, without further commenting on merit of the case, this court is inclined to release the applicants on bail.
9. Accordingly, MCRC. No. 551/2018 & MCRC No. 1793/2018 are allowed.
10. It is directed that the applicants shall be released on bail on each of them executing personal bond for a sum of Rs. 40,000/- with two sureties each of Rs. 20,000/- to the satisfaction of the trial Court. Thereafter, they will appear before the Trial Court on each and every date as are given to them by the said Court in this regard.

**Sd/-**  
**Judge**  
**Arvind Singh Chandel**