

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2108 of 2018

1. Mohammad Abbas And Anr. S/o Pir Mohammad Khan Aged About 57 Years R/o- Prem Nagar, Raigarh, Police Station- Chakradhar Nagar, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
2. Altaf @ Roshan S/o Shri Mohammad Abbas Aged About 25 Years R/o- Prem Nagar, Raigarh, Police Station- Chakradhar Nagar, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Police Station- Rajim, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Respondent

For Applicant : Mr. Dhanesh Lal Sahu, Advocate.
For Respondent : Mr. V.B. Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/05/2018

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.179/2016, registered at Police Station–Rajim, District–Gariyaband(C.G.) for the offence punishable under Section 379/34 of Indian Penal Code.
2. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case only for the reason that they happen to be the registered owner of the truck which is allegedly has been used for the commission of offence of theft. There is no evidence against them in the case and the memorandum statement given by the co-accused persons is not legally admissible evidence. The case is

triable by Judicial Magistrate First Class and the trial is likely to take some time before its conclusion. Hence, it is prayed that they may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. Complainant Gopal Sahu has lodged FIR that 35 quintals of iron rods were stolen from his shop by some unknown persons. During investigation, on the basis of the memorandum statement given by the co-accused persons, some recovery of iron rods has been made, but the concerned truck which is mentioned in the memorandum statement has not been seized.
6. After considering on all the material present in the case diary, I am of this opinion that applicants deserves to be granted regular bail during the pendency of the trial against them.
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/- to 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