

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1438 of 2018

1. Sunil Shukla S/o Durga Prasad Shukla, Aged About 40 Years, R/o- Village Masniyakala, Telsil- Sakti, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station Sakti, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

MCRC No. 2768 of 2018

1. Ajay Kumar Binjhar S/o Baisakhu Binjhar, Aged About 24 Years, R/o- Village- Banki Mongra, Thana- Banki Mongra, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through- The District Magistrate, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

MCRC No. 2864 of 2018

1. Manoj Sidar S/o Leeladhar Sidar, Aged About 30 Years, R/o Village Masaniya Khurd, Police Station Sakti, Tehsil Sakti, District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
2. Babulal S/o Balihar Paswan Aged About 29 Years R/o Khali Gram, District Gadhwa Jharkhand, District : Gadhwa, Jharkhand

---- Applicants

Versus

- State of Chhattisgarh Through Police Station Sakti, District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant(s) – Mr. Manoj Paranjpe, Advocate (in MCRC No.1438/2018 and MCRC No.2864/2018),

Mr. Raza Ali and Shri Hari Agrawal, Advocates (in MCRC No.2768/2018),

For Non-applicant/State – Ms. K. Tripti Rao, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-04-2018

1. As all these three applications arise out of the same istgasa

number/crime number, they are being decided by this common order.

2. MCRC No.1438/2018 and MCRC No.2864/2018 have been filed by applicants Sunil Shukla, Manoj Sidar and Babulal as they have been arrested in connection with Istgasa No. 01/2018, registered at Police Station Sakti, District Janjgir-Champa, C.G., for the offence under Section 41(1-4)/379, 406 read with Section 34 of the IPC and MCRC No.2768/2018 has been filed by applicant Ajay Kumar Binjharwar as he has been arrested in connection with Istgasa No.1/2018, Crime No.175/18 registered at P.S. Sakti, District Janjgir-Champa for the offence under Section 406, 407, 411 read with Section 34 of the IPC. All these applicants have been arrested on 24-01-2018.

3. Heard on the applications filed under Section 439 of the Cr.P.C. These are first bail applications before this Court filed by the applicants for grant of regular bail.

4. It is submitted on behalf of the applicants in all these applications that the applicants have been falsely implicated in this case. They are in jail since 24-01-2018. Charge sheet has been filed after completion of the investigation. No case is made out against the applicants. Hence, it is prayed that they may be granted regular bail.

5. Learned counsel for the State/non-applicant opposes the applications submitting that seizure of coal and diesel has been made from these applicants and there is no papers showing authorization to have the same in their possession. Hence, they are not entitled for grant of bail.

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

7. Police personnel of Police Station Sakti during night patrol visited the place near Village Masaniya where 20430 metric ton and 70 liters of diesel was kept in the place which was in possession of applicant Sunil Shukla (in MCRC No.1438/2018). On enquiry from him, it was informed that dumped coal and

diesel has been sold to applicant Manoj Sidar (in MCRC No.2864/2018), and applicant Babulal (in MCRC No.2864/2018) and applicant Ajay Kumar Binjhwar (in MCRC No.2768/2018) are alleged to be driver of the trucks by which the coal was brought to the place of dumping. Suspecting the dumped property as property of theft, the case was registered by the police and arrest of the applicants was made. Subsequent to that, real owner has been found and charge sheet has been filed after completion of the investigation.

8. Considered on the material present in the case diary. As it appears that the applicants do not have any criminal antecedent and also taking into consideration the facts that presently the case is before the trial Court and no purpose would be served if the applicants are kept in detention till conclusion of the trial, I am of this view that these applicants should be released on bail during pendency of the trial against them.

9. Consequently, all these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail 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.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge