

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2535 of 2018

- Sarkar Ali S/o Darbar Ali Aged About 30 Years R/o- Village- Jhalmala, Thana- Seepat, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Khamtarai, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

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MCRC No. 2993 of 2018

- Niaz Ahamad S/o Shri Shamsuddin Aged About 36 Years R/o Village Jhalmala, Thana Seepat, Civil And Revenue District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicants : Mr. Samir Singh & Sumit Shrivastava,
Advocates.
For Respondent : Mr. N. K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/06/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Both these applications filed under Section 439 of the Code of Criminal Procedure, 1973 are First bail applications on behalf of the

applicants for grant of regular bail to them as they are in custody in connection with Crime No.175/2016 registered at Police Station-Khamtarai, District – Raipur(C.G.) for the offence punishable under Sections 379/34, 411 & 201 of the Indian Penal Code.

3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Applicants are in jail since 3.7.2017. No case is made out against them. Trial against them is still pending before the concerned trial Court. They are local residents of this State and are ready to abide by all the conditions and directions, which may be imposed while granting bail to them. Hence, it is prayed that applicants be enlarged on regular bail.
4. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that these applicants are being prosecuted for two similar cases against them, hence, they are not entitled for grant of regular bail.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case, a truck bearing registration No.15AC-4785 was stolen from the possession of Vijendra Gupta which was recovered on the basis of the memorandum statement given by this applicant. Hence, this case.
7. Considered on the entire material present in the case diary as it appears that the trial against these applicants are still pending. Applicants are local residents of this State and their availability before the trial Court shall not be compromised if they are enlarged on regular bail, for this reason, I am of this view that this is a fit case where applicants should be enlarged 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