

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4091 of 2018**

1. Deepak Markam S/o Dashrath Markam, aged about 26 years.
2. Prakash Yadav S/o Late Ashok Yadav, aged about 19 years.

Both R/o village Hirri, Police Station Hirri, Tahsil Bilha, District Bilaspur (C.G.)

---- Applicants**Versus**

- State Of Chhattisgarh - Through : Station House Officer, Police Station Hirri, District Bilaspur (C.G.)

---- Respondent

For Applicants. : Shri Abhishek Sharma, Advocate.
For Respondent. : Shri Vivek Sharma, G.A.

Hon'ble Shri Justice Pritinker Diwaker**Order on Board****02/07/2018**

1. The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody since 30.04.2018 in connection with Crime No.99/2018 registered at Police Station : Hirri, District Bilaspur (C.G.) for the offence punishable under Sections 379 and 34 of IPC.
2. As per the prosecution case, on 30.04.2018 at about 2.00 AM, the applicants have committed theft of parts of truck amounting to Rs.94,000/-.
3. Counsel for the applicants submits that applicant No.1- Deepak Markam is a driver, whereas applicant No.2-Prakash Yadav is khalasi, they were sleeping in their own vehicle and

on the basis of suspicion they have been made accused. It has been further argued that offences are triable by the Magistrate, the charge sheet has been filed and, therefore, the applicants may be released on bail.

4. On the other hand, opposing the bail application it has been argued by the State counsel that one more case is pending against the applicant No.1, whereas two cases are pending against the applicant No.2.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, in particular the evidence adduced by the prosecution and the fact that the applicants are in jail since 30.04.2018, this Court is of the opinion that it is a fit case to release the applicants on bail.
7. Accordingly, the application is allowed and the accused/applicants are directed to be released on bail on their furnishing a personal bond of Rs.1,00,000/- each with one surety for the like sum to the satisfaction of the concerned Court for their appearance before it as and when directed.

Sd/-

(Pritinker Diwaker)
Judge