

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4882 of 2018**

Dev Prasad Minj @ Dewa S/o Vishwanath Minj Aged About 22 Years R/o Village Jhadipur, Police Station Lakhanpur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Darima, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 4892 of 2018**

Dev Prasad Minj @ Dewa S/o Vishwanath Minj Aged About 22 Years R/o Village Jhadipur, Police Station Lakhanpur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Darima, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri V.K. Pandey, Advocate.
For the Respondent/State	:	Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****31.07.2018**

Heard.

- Both these applications are being decided by this common order as they arise from the similar matter. These are the first bail applications of the applicant filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection

with Crime Nos.146 of 2017 & 102 of 2017, registered at Police Station Darima, District – Surguja, Chhattisgarh for the offence punishable under Sections 379/ 34 and 411 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant in both the cases is in jail since 17.12.2017 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. After completion of investigation, the charge-sheet has been filed and the case is triable by the Judicial Magistrate First Class. Hence, it is prayed that the applicant in both the cases be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that earlier the applicant has a criminal history of Crime No. 86 of 2018 which was also registered against him and on the basis of the memorandum statement given in that case, these two cases have been registered against him. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. In Crime No. 146 of 2017, the allegation against the applicant is that he stole a motorcycle belonging to complainant – Pramod Singh with the help of the co-accused persons which has been seized from co-accused – Manoj Singh after lodging of FIR. The allegation against the applicant in Crime No. 102 of 2017 is that he has stolen the truck of complainant - Viranchi Singh which was recovered and seized at the instance of the

applicant from one of the co-accused person. Hence, this case.

6. Considered the entire material present in the case-diary of both the cases of the applicant and the case is triable by the Judicial Magistrate First Class. After due consideration, I am of the considered view that no purpose would be served if the applicant is kept in detention for the whole period of trial. Hence, these applications deserve to be allowed.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- in respect of each crime with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge