

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5052 of 2018

Vipin Singh, S/o. Lalbahadur Singh, Aged About 22 Years, R/o. Fish Market Zone-2, Khurseepar Bhilai, District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The District Magistrate, Durg, District Durg Chhattisgarh.

----Respondent

AND

M.CR.C. No. 5106 of 2018

Abdul Khan, S/o. Rahamuddin Khan, Aged About 34 Years, R/o. Rajendra Prasad Nagar, Banshee Bazaar, Behind Padda Bar Khurseepar Bhilai, Tehsil And District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The District Magistrate Durg District Durg Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Avinash Chand Sahu, Advocate
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For Respondent/State	:	Mr. Neeraj Mehta, P.L.
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Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

07/08/2018

- Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.

2. These are the first bail applications 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.76/2018, registered at Police Station- Bhilai Bhatthi, District – Durg (C.G.) for the offence punishable under Section 379, 34 of the Indian Penal Code and Section 25, 26 of the Plant Safety Act.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. Applicants are in jail since 29.05.2018. No case is made out against them according to the material present in the charge-sheet. The applicant- Vipin is the driver of the trailer and the applicant – Abdul Khan is helper of the said truck and they can not be held responsible for the excess load in the truck for which the offence of theft has been registered against them as they are not responsible for loading the truck. It is prayed that they may be granted bail.
4. On the other hand, the learned counsel appearing for the State opposes the bail applications and the submission made in this respect.
5. I have heard the learned counsel for the parties and perused the documents placed on record.
6. On the date of incident it was found that 2.73 tonnes of iron goods worth Rs.60,000/- was found loaded in the truck, in which the applicants are driver and helper regarding, which they had no papers to authorize the possession of excess load. Hence, the FIR has been lodged.
7. Considered the submissions made and the contents of the case diary. After due consideration on all the material present on record and the

facts and circumstances of the case and further taking into consideration this fact that the applicants do not have any criminal antecedents, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed.
9. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge