

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5554 of 2018

1. Jagannath Dhanuwar, S/o Kartikram, Aged About 21 Years,
2. Lakhan Yadav, S/o Premshankar Yadav, Aged About 19 Years,
3. Rup Lal Chauhan, S/o Mithhulal Chauhan, Aged About 24 Years,

All are R/o- Chhidbhana P.S. Punjipathra, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through- Thana In-Charge, Punjipathra, District- Raigarh, Chhattisgarh

---- Respondent

For Applicants	: Shri Rajendra Tripathi, Advocate.
For Respondent/State	: Shri Bhaskar Pyashi, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

28/08/2018

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with Crime No. 77/2018, registered at Police Station - Punjipathra, District – Raigarh (C.G.) for the offence punishable under Section 379 of the IPC Act.
2. As per the prosecution story, on 03.07.2018 a written report has been lodged by one Mrityunjay Singh, owner of the Trailer bearing

registration No. CG 13 LA 2624, wherein it is alleged that on 02.06.2018 at about 11.12 p.m. a vehicle (trailer) was stolen by some unknown persons from the public road. On the basis of said report offence has been registered. During the course of investigation and on the basis of memorandum of statement of the co-accused Jai Kishan Chauhan the said vehicle has been seized from the possession of Jai Kishan Chauhan. Allegedly, the present applicants were also involved in the said theft of trailer. For the said offence a report was lodged and the applicants are in custody since 03.07.2018.

3. Shri Rajendra Tripathi, learned counsel appearing on behalf of the Applicants submits that applicants are innocent and they are falsely implicated in the present case. He further submits that on the basis of the memorandum of statement of the co-accused Jai Kishan Chauhan the offence has been registered against the present applicants and there is no any other evidence available against them for commission of the said alleged theft. He further submits that the applicants have no criminal antecedent regarding any offences and they are in custody since 03.07.2018, charge sheet has not been filed yet, trial will likely to take some more time, therefore, they may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary.
6. Considering the facts and circumstances of the case and further considering the facts that only on the basis of memorandum of statement of the co-accused Jai Kishan Chauhan the offence have been registered against the applicants and they are in custody since 03-07-2018, charge sheet has not been filed yet, therefore, trial will

likely to take some more time, without further commenting on merit of the case, I am inclined to release them on bail.

7. Accordingly, the bail application is allowed.
8. It is directed that the applicants shall be released on bail on executing a personal bond for a sum of Rs. 10,000/- each with one surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge