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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6640 of 2018**

1. Munim Mersa, S/o. Mr. Rajaram Mersa, Aged About 24 Years, R/o. Maharana Pratap Chowk, Mini Basti, P.S. Civil Line, District - Bilaspur, Chhattisgarh.
2. Dharamveer, S/o. Kamal Paswan, Aged About 28 Years, R/o. Bhaguwanpur, Besal, Bihar.
3. Narul Hasan, S/o. Mr. Sesul Hasan, Aged About 47 Years, R/o. Bhartiya Nagar, P.S. Civil Line, District Bilaspur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : The Police Station, Chakarbhata, District - Bilaspur, Chhattisgarh.

---- Respondent

AND**M.CR.C.(A) No. 1171 of 2018**

Nisar Hussain, S/o. Shri Sadiq Hussain, Aged About 30 Years, R/o. Main Road Bhartiya Nagar, Bilaspur District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Police Station : Chakarbhata District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	: Mr. B.P. Sharma, Advocate with Mr. M.L. Sakat, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****04/10/2018**

1. Since the above regular bail application and anticipatory bail application arise out of the same crime number, they are being heard and disposed of by this common order.
2. The bail application of applicants in M.Cr.C. No.6640 of 2018 is the first bail application filed under Section 439 of the Code of Criminal

Procedure for grant of regular bail to them as they have been arrested in connection with Crime No./Istgasa No.04/2018, registered at Police-Station Chakarbhata, Bilaspur, District– Bilaspur (C.G.) for the offence punishable under Sections 41 (1-4), 379 of the Indian Penal Code.

3. The applicant – in M.Cr.C.(A) No.1171 of 2018 has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No./Istgasa No.04/2018 registered at Police Station- Chakarbhata, Bilaspur, District – Bilaspur (C.G.), for the offence punishable under Sections 41 (1-4), 379 of the Indian Penal Code.
4. Learned counsel for the applicants submits, that applicants are innocent and have been falsely implicated in the crime in question. The fact is this that the applicant- Nishar Hussain (in M.Cr.C.(A) No.1171/2018) is the proprietor of the scrap shop. The Police and the local administration are interested to remove the applicant's shop from the locality, because of which all the scrap found in his shop has been seized under Section 102 of Cr.P.C. and the persons present are the employees of this applicant have been arrested. No case is made out under Section 379 of the Indian Penal Code read with Section 41 (1-4) of Cr.P.C.. As the applicant holds claim in all the properties present in his shop. Hence, for these reasons, it is prayed that they may be released on regular as well as on anticipatory bail respectively.
5. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that the investigation is going on and the owner of the said property shall be found out soon, the investigation is at a very initial stage. Hence, no

case is made out for grant of bail.

6. I have heard the learned counsel for both the parties and perused the case diary.
7. Police personnel of Police Station Chakarbhata received a confidential information that some trucks were loaded with scrap, which were intercepted and the said trucks were seized with the load of scrap material. The person presents are the applicants in M.Cr.C. No.6640/2018 were arrested on the spot as no papers could be presented regarding the authority to possess the said scrap. Complaint under Section 379 of I.P.C. read with Section 41 (1-4) of Cr.P.C. has been submitted before the concerned Court.
8. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary, no such complaint has been given by any person that the scrap that has been found in the possession was the stolen property, investigation is still continuing. Hence, after due consideration, I am of this view that applicants- in M.Cr.C. No.6640 of 2018 deserve to be enlarged on regular bail and applicant in M.Cr.C.(A) No.1171 of 2018 also deserves to be enlarged on anticipatory bail.
9. Accordingly, the regular bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that applicants- in M.Cr.C No. 6640 of 2018 shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one local surety each in the like sum to the satisfaction of the trial Court concerned, for their appearance as and when directed.

10. Likewise the anticipatory bail application of applicant in M.Cr.C.(A) No. 1171 of 2018 is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offences, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge