

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6600 of 2018**

- Rajesh Tamrakar S/o Ramaratan Tamrakar, aged about 39 year, R/o B Type Kurasiya Collary, P.S. Chirmiri, District Koriya (C.G.).

---- Applicant**Versus**

- State Of Chhattisgarh Through, Station House Officer, Police Station - Chirmiri, Chowki Koriya, District Koriya (C.G.).

---- Respondent**And****MCRC No. 6650 of 2018**

1. Chaitram S/o Laxmi Prasad, aged about 25 Years, R/o- Village Tengni, Police Station and Tahsil Baikunthpur, District- Korea, Chhattisgarh
2. Shivnath S/o Raghubir, Aged About 26 Years, R/o- Village Amarpur, Police Station And Tahsil Baikunthpur, District- Korea, Chhattisgarh
3. Dhansingh S/o Rajpal, Aged About 18 Years, R/o- Village Tengni, Police Station and Tahsil Baikunthpur, District- Korea, Chhattisgarh
4. Indrapal S/o Narayan Singh, Aged About 35 Years, R/o- Village Tengni, Police Station And Tahsil Baikunthpur, District- Korea, Chhattisgarh.
5. Birju S/o Ramji, Aged About 26 Years, R/o- Village Tengni, Police Station Patna, District- Korea, Chhattisgarh.
6. Sanjay S/o Santlal, Aged About 20 Years, R/o- Village Jariyadad, Police Station Baikunthpur, District- Korea, Chhattisgarh.
7. Anil S/o Amar Singh, Aged About 25 Years, R/o- Village Amarpur, Police Station And Tahsil Baikunthpur, District- Korea, Chhattisgarh.

---- Applicants**• Versus**

- State Of Chhattisgarh Through- Station House Officer, Outpost Korea, Police Station Chirmiri, District- Korea, Chhattisgarh.

---- Respondent

For Applicants	:	Shri Shakti Raj Sinha & Shri Anil Gulati, Advocates.
For Respondent	:	Shri Samir Behar, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****26/10/2018**

1. The applicants have filed these applications under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody since 07.08.2018 in connection with Crime No.170/2018 registered at Police Station : Chirmiri Chowki, Koriya (C.G.) for the offence punishable under Sections 457 and 380 IPC (in respect of applicants in M.Cr.C. No.6650/2018) and under Sections 457, 380, 411, 34 IPC (in respect of applicant in M.Cr.C. No.6600/2018).
2. The prosecution case, in brief, is that on 05.08.2018 FIR was lodged in police station Chirmiri that 150 meter cable wire costing to Rs.56,000/- kept in S.E.C.L. Regional Store, Koriya, has been stolen by some unknown persons. Based on this, the applicants were detained and interrogated & upon investigation, it was revealed that the theft was committed by the applicants. Thereafter, the offence was registered against them and they have been arrested.
3. In respect of applicant in M.Cr.C.No.6600/2018, it has been argued by learned counsel for the applicant that the applicant was not having any knowledge that the copper which was being purchased by him was the subject matter of theft as the same was sold to him in a raw form after destroying its original form. It has been further argued that the applicant has been falsely implicated in the crime in question and has been arrested only on the memorandum of other co-accused.

4. In respect of applicants in M.Cr.C.No.6650/2018, it has been argued by learned counsel for the applicants that the false seizure memo has been prepared to rope the applicants in the crime in question. It has been further argued that the charge sheet has already been filed, the case is triable by the Judicial Magistrate First Class and there is no likelihood of their case being decided in near future and, therefore, they may be granted bail.
5. On the other hand, learned State counsel opposes the bail application.
6. I have heard learned counsel for the parties and perused the record.
7. Considering the fact that the charge-sheet has been filed, the applicants are in jail for more than two months, and further considering the fact that the trial will take some time, this Court is of the opinion that it is a fit case to release the applicants on bail.
8. Accordingly, the applications are allowed and the applicants are directed to be released on bail on their furnishing a personal bond of Rs.25,000/- 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/-

(Rajani Dubey)
Judge