

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6355 of 2018**

- Sanjay Sao S/o Late Shri Vishnu Sao Aged About 38 Years R/o- Village Chichola, Police Station Nandghat, District- Bemetara, Chhattisgarh.,

---- Applicant**Versus**

- State Of Chhattisgarh Through- Station House Officer, P.S. Takhatpur, Civil And Revenue District- Bilaspur, Chhattisgarh.,

---- Respondent**And****MCRC No. 6385 of 2018**

- Sanjay Sao S/o Late Shri Vishnu Sao Aged About 36 Years R/o Village Chichola, Police Station Nandghat, District- Bemetara, Chhattisgarh.....(In Jail),

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Masturi, Civil And Revenue District- Bilaspur, Chhattisgarh.,

---- Respondent**And****MCRC No. 6396 of 2018**

- Sanjay Sao S/o Late Shri Vishnu Sao, Aged About 36 Years, R/o Village Chichola, Police Station Nandghat, District Bemetara Chhattisgarh,

---- Applicant**Versus**

- State Of Chhattisgarh Through : The Station House Officer, Police Station Bilha, Civil And Revenue District Bilaspur Chhattisgarh,

---- Respondent**And****MCRC No. 6949 of 2018**

- Sato Yadav S/o Shri Narsingh Yadav, Aged About 25 Years, R/o Maharana Pratap Nagar, Shriram Park, P.S. Civil Lines, District - Bilaspur,

---- Applicant**Versus**

- State Of Chhattisgarh Through S.H.O., P.S. - Masturi, District - Bilaspur, Chhattisgarh.,

---- Respondent

And

MCRC No. 6993 of 2018

- Sato Yadav S/o Shri Narsingh Yadav, Aged About 25 Years, R/o - Maharana Pratap Nagar, Shriram Park, P.S. - Civil Lines, District Bilaspur, Chhattisgarh.,

---- Applicant

Versus

- State Of Chhattisgarh Through : SHO, P.S. - Belha, District Bilaspur, Chhattisgarh.

---- Respondent

And

MCRC No. 6994 of 2018

- Sato Yadav S/o Shri Narsingh Yadav, Aged About 25 Years, R/o - Maharana Pratap Nagar, Shriram Park, P.S. - Civil Lines, District - Bilaspur,

---- Applicant

Versus

- State Of Chhattisgarh Through Sho, P.S. - Takhatpur, District - Bilaspur, Chhattisgarh.,

---- Respondent

And

MCRC No. 7049 of 2018

- Deepak Yadav S/o Ram Yadav, Aged About 46 Years, R/o Village- Ghuru Road, Tifra, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Takhatpur, District- Bilaspur, Chhattisgarh.,

---- Respondent

And

MCRC No. 7058 of 2018

- Deepak Yadav S/o Ram Yadav, Aged About 46 Years, R/o- Village Ghuru Road Tifra, Bilaspur, District- Bilaspur, Chhattisgarh.,

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station Bilha, District- Bilaspur, Chhattisgarh.

---- Respondent

And

MCRC No. 7675 of 2018

- Deepak Yadav S/o Ram Yadav, Aged About 46 Years, R/o Village Ghuru Road Tifra Bilaspur Distrcit Bilaspur Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicants	:	Shri Vipin Singh, Shri Achyut Tiwari and Shri Hemant Kesharwani, Advocates for respective appellants.
For Respondent	:	Shri Samir Behar wiht Smt. M. Asha, P.L.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

27/10/2018

1. The applicants have filed these applications under Section 439 of the Code of Criminal Procedure for grant of regular bail as applicant in MCRC Nos.6355/2018, 6385/2018, 6396/2018 is in custody since 14.07.2018, applicant in MCRC Nos.6949/2018, 6993/2018, 6994/2018 is in custody since 15.07.2018 and 14.07.2018 & and applicant in MCRC Nos.7058/2018, 7675/2018 and 7049/2018 is in custody since 15.07.2018 in connection with Crime No.176/2018 in MCRC Nos.6355/2018, 6994/2018 & 7049/2018, Crime No.239/2018 in MCRC Nos.6385/2018, 6949/2018 & 7675/2018, and Crime No.175/2018 in MCRC Nos.6396/2018, 6993/2018 & 7058/2018, registered at Police Station : Thakhatpur, Masturi and Bilha, District Bilaspur, (C.G.) respectively, for the offence punishable under Sections 379,

411, 34 of IPC.

2. The prosecution story, in brief, is that a report was lodged by one Ashish Kashyap in police station Takhatpur to the effect that he is driver of Tanker No.CG-10-A-5552, was transporting 12,000 liters of kerosene oil and had parked his vehicle on 22.05.2018 in Link Society, Takhatpur after distributing about 5000 liters of kerosene oil in different societies. Further, on 24.05.2018 when complainant came to Link Society, Takhaput for taking his Tanker No.CG-10-A-5552 the same was found missing and offence was registered against unknown person. During investigation, memorandum of the accused persons were recorded which reveal that the accused persons were involved in committing theft of Tanker No.CG-10-A-1727, CG-10-A-5552 and CG-10-ZB-1606 along with kerosene oil in Bilha, Takhatpur and Masturi respectively. Based on this, the applicants were arrested and offence was registered against them.
3. Learned counsel for the appellants submit that the applicants have been falsely implicated in the crime in question. Learned counsel further submit that delayed FIR has been lodged and no seizure of kerosene oil was made from them and the alleged Tankers have been seized from an open place. In respect of appellants Sanjay Sao, it has been argued by learned counsel that only empty jerrycans have been seized from him, whereas in respect of appellant Sato Yadav and Deepak Yadav, it has been argued that only cash and mobile were seized from them, which has no nexus with the crime in question. It has been further submitted by

learned counsel for the appellants that applicants have no criminal antecedent, they are in jail for more than three months, the charge sheet has been filed and there is no likelihood of their case being decided in near future and, therefore, they may be released on bail.

4. On the other hand, learned State counsel opposing the bail application submits that huge quantity of kerosene oil meant for PDS has been stolen by the applicants.
5. I have heard learned counsel for the parties and perused the record.
6. Having heard learned counsel for the parties and having regard to the fact that only cash and empty jerricans were seized from the applicants, they have no criminal antecedent, the charge-sheet has been filed, the applicants are in jail for more than three months, and further considering the fact that the trial will take some time and the case is triable by Magistrate, this Court is of the opinion that it is a fit case to release the applicants on bail.
7. Accordingly, the applications are allowed and the applicants are directed to be released on bail on their furnishing a personal bond of Rs.50,000/- 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