

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7507 of 2018

- Bheem Singh, S/o Late Vinod Singh Rajput, aged about 27 years, R/o Chirmiri, Police Station- Chirmiri, District- Korea, (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Chirmiri, District- Korea, (C.G.).

---- Respondent

AND

MCRC No. 7621 of 2018

- Ebnul Hasan S/o Emamul Hasan (wrongly mentioned as Emamu), aged about 25 years, R/o Chhota Bazar, Chirmiri, Police Station- Chirmiri, District- Korea, (C.G.).

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Chirmiri, District- Korea, (C.G.).

---- Respondent

For Applicant (In MCRC No. 7507/2018)	: Shri Anil Gulati, Advocate.
For Applicant (In MCRC No. 7621/2018)	: Shri Anil Gulati, Advocate.
For Respondent/State	: Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

01/11/2018

1. Heard.
2. Since both the cases arise out of same Crime No., therefore, they are being disposed of by this common order.
3. The Applicants have preferred their first bail applications under

Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 198/2018, registered at Police Station – Chirmiri, District- Korea (C.G.) for the offence punishable under Sections 379 of IPC.

4. As per the prosecution story, on 25.08.2018, Complainant Jaisingh Raghav lodged a report wherein it was stated that he runs a transport company known as J.K. Roadways and when a truck bearing registration No. CG- 15 – AC- 1835 went to Chirmiri for bringing coal, in the intervening night of 24th & 25th August, 2018, some unknown persons stole around 155 liters of diesel from the truck. On the basis of the said report, offence has been registered against the accused/applicants. During the course of investigation and as per memorandum of the accused Applicants namely Bheem Singh (in M.Cr.C. No. 7507/2018), 50 liters of diesel and from Ebnul Hasan (in M.Cr.C. No. 7621/2018), 50 liters of diesel have been seized from their possession. They are in custody since 27.08.2018.
5. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. They further submit that the Applicants are in custody since 27.08.2018 the charge-sheet is yet to be filed and trial will take some time. Therefore, they may be released on bail.
6. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
7. I have heard learned Counsel for the parties and perused the case diary.
8. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicants are in custody since 27.08.2018 the charge-sheet is yet to be filed and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
9. Accordingly, the bail application is allowed.

10. It is directed that the Applicants shall be released on bail on each of them executing personal bond for a sum of Rs. 20,000/- with one solvent 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