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**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 8104 of 2017**

1. Sajid Khan S/o Aaved Navaj Khan Aged About 28 Years R/o Khamartarai, Police Station Khamartarai, Dist. Raipur Chhattisgarh At Present Marimai Talapara, Civil Line Bilaspur District Bilaspur Chhattisgarh, Chhattisgarh
2. Maleshwar Patel S/o Devcharan Patel Aged About 23 Years R/o Village Nonbirra Thana Deepka, District Korba Chhattisgarh, District : Korba, Chhattisgarh

**---- Applicants****Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Deepka, District Korba Chhattisgarh.

**---- Respondent**


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For the Applicants : Shri Vinod Kumar Tekam, Advocate.  
 For the Respondent/State : Shri Vivek Singhal, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****07.03.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.69 of 2017, registered at Police Station – Police Deepka, District – Korba, Chhattisgarh for the offence punishable under Sections 394 and 325 read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants are in jail since 14.6.2017 and they have been falsely implicated in this case. No case is made out against the applicants under the provisions of Section 394

of the Indian Penal Code according to the material present in the charge-sheet. The applicants are local residents of Districts Bilaspur and Korba and they are ready to abide by all the conditions that may be imposed on them. Hence, it is prayed that the applicants be benefited with grant of regular bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. On the date of incident, it is alleged that both the applicants arrived on the spot of incident i.e. the yard in S.E.C.L. Gevra Mines and were attempting to steal diesel from a parked dumper truck. At that time, the guard present on the spot raised alarm and tried to stop the applicants and the applicants while running away from the spot hurled some stones because of which, Harvansh Singh suffered injuries which has been reported as grievous in nature on examination of doctor. On that basis, FIR has been lodged and the case has been registered against the applicants.

6. Considering the nature of offence alleged to have been committed by these applicants, the period of detention that the applicants have undergone so far subsequent to filing of charge-sheet, the applicants are local residents of Districts Bilaspur and Korba, the case is triable by the Judicial Magistrate First Class and no purpose would be served if the applicants are kept in detention for the whole period of trial, I am of the considered opinion that in this case the applicants deserve to be enlarged on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

**Sd/-**

**(Rajendra Chandra Singh Samant)**  
Judge