

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8602 of 2018

- Yogendra Patel S/o Shri Ganesh Prasad Patel, aged about 42 Years R/o- Police Station Chakarbhata, Present Address Village Chhatona, Behind High Court Bilaspur, Tahsil and District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through- Police Station Uрга, District- Korba, Chhattisgarh.

---- Respondent

AND

MCRC No. 8416 of 2018

- Niket Sharma S/o Shri Dhruv Kumar Sharma, aged about 26 Years R/o Railway Colony, Tarbahar, Police Station- Tarbahar, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Uрга, District- Korba, Chhattisgarh.

---- Respondent

For Applicant (In MCRC No. 8602/2018) : Shri Amit Kumar Chaki, Advocate.
For Applicant (In MCRC No. 8518/2018) : Shri Rahul Sharma, Advocate.
For Respondent/State : Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

15/11/2018

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. 230/2018, registered at Police Station – Urga, District- Korba, (C.G.) for the offence punishable under Sections 379, 411 of IPC.

4. As per the prosecution story, on 03.10.2018, Complainant Deepak Agrawal lodged a report in the police station wherein it has been stated that on 30.09.2018, he sent his vehicle bearing registration No. CG 12 AV 1559 which was loaded with coal through his Driver. Later on, he was informed by his driver that while he was sleeping, some unknown persons stole the said vehicle loaded with coal. Later on, empty vehicle was found at Sakri. On the basis of this report, offence has been registered against the unknown persons. Allegedly, the vehicle loaded with coal was initially stolen by one Harish Gupta, who sold the stolen coal to the present Applicant namely Niket Sharma (in MCRC No. 8416/2018). Thereafter, the Applicant Niket Sharma sold those coal to another accused/Applicant namely Yogendra Patel (in MCRC No. 8602/2018). On the basis of the memorandum statement of the accused/Applicant Yogendra Patel, stolen coal has been seized from his possession. The Applicants have been taken into custody on 06.10.2018.
5. Learned Counsels appearing on behalf of the Applicants submit that the Applicants are innocent and have been falsely implicated in the case. They further submit that the Applicants have no criminal antecedent, they are in custody since 06.10.2018 and trial will take some time. Offence is triable in JMFC, Korba, District- Korba, (C.G.). 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 the Applicants have no criminal antecedent, they are in custody since 06.10.2018, offence is triable in JMFC, Korba, District- Korba, (C.G.) 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