

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8838 of 2018

- Kewal Singh S/o Late Sukal Singh, aged about 30 years Caste- Gond, R/o Village- Kalamdand, Post Office, Police Station and Tahsil- Manendragarh, District- Koriya, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station- Charcha, District- Koriya, Chhattisgarh.

---- Respondent

AND

MCRC No. 8745 of 2018

- Indrapal S/o Gurudayal, aged about 20 years Kalamdand, Post Office, Police Station and Tahsil Manendragarh, District- Koriya, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station- Charcha, District- Koriya, Chhattisgarh.

---- Respondent

For Applicant (In MCRC No. 8838/2018)	: Shri Shivendu Pandya, Advocate.
For Applicants (In MCRC No. 8745/2018)	: Shri Shivendu Pandya, Advocate.
For Respondent/State	: Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

04/12/2018

1. Heard.
2. Since both 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. 95/2018, registered at Police Station – Charcha, District- Koriya, (C.G.) for the offence punishable under Section 379/34 of the Indian Penal Code.

4. As per the prosecution story, in the intervening night of 23.07.2018 & 24.07.2018, present Applicant Kewal Singh (in MCRC No. 8838/2018) and co-accused namely Indrapal (in MCRC No. 8745/2018) have stolen the iron articles amounting Rs. 40,000/- from the Charcha Colliery. Report was lodged by the Security Officer of the said Colliery, on the basis of which offence has been registered against the Applicants. On the basis of the memorandum statements of the Applicants, some stolen articles have been seized from their possession. They have been taken into custody on 25.07.2018.
5. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He further submits that Applicants have no criminal antecedent and one co-accused Ganesh Singh has already been granted bail by this Court vide order dated 05.10.2018 passed in MCRC No. 6285/2018. Charge-sheet has been filed and both the Applicants namely Kewal Singh (in MCRC No. 8838/2018) and Applicant (in MCRC No. 8745/2018) are in custody since 25.07.2018 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 the Applicants have no criminal antecedent, they are in custody since 25.07.2018 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 Applicant namely Kewal Singh (in MCRC No. 8838/2018) and Applicant Indrapal Singh (in MCRC No. 8745/2018) 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