

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1247 of 2019

- Imran Khan S/o Nasimuddin Aged About 32 Years R/o Ward No. 1, Gopalpur, Police Station- Kanhai Hanumanganj, District- Sonbhadra, Uttar Pradesh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Incharge, Police Station- Basantpur, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

AND

MCRC No. 1229 of 2019

- Anil Kumar S/o Lalai Aged About 38 Years (Wrongly Mentioned As Anil Kumar @ Lalai) R/o Purabechu, Junedpur, Police Station Sarpatha, District Johnpur (Uttar Pradesh).

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Basantpur, District Balrampur Ramannujganj, Chhattisgarh. (Wrongly Mentioned as Police Chowki Davra, P.S. Pasta, District Balrampur Ramanujganj) Chhattisgarh.

---- Respondent

For Applicant (In MCRC No. 1247/2019)	: Ms. Soniya Kuldeep, Advocate.
For Applicant (In MCRC No. 1229/2019)	: Shri S.K. Kushwaha, Advocate.
For Respondent/State	: Shri K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

13/03/2019

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. 44/2016, registered at Police Station – Basantpur, District – Balrampur-Ramanujganj, (C.G.) for the offence punishable under Sections 379, 201/34 of the IPC.
4. As per the prosecution story, on the intervening night of 18.04.2016 and 19.04.2016, one Bolero vehicle bearing registration No. CG 07 MA 2042 was stolen by some unknown person. On the basis of the said, report was lodged by Complainant Budhinarayan. During course of investigation, it was found that the said vehicle and other vehicles were seized from the possession of the present Applicants and co-accused namely Surendra Kumar Bharti. The seized vehicle was identified by the Complainant. On the basis of the above, offence has been registered and the Applicants have been taken into custody on 23.07.2018 (in MCRC No. 1247/2019) and 29.04.2018 (in MCRC No. 1229/2019).
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 on the same fact of evidence, co-accused namely Surendra Kumar Bharti @ Sunil has already been granted bail by this Court vide order dated 22.11.2018 passed in MCRC No. 8470/2018. Charge-sheet has been filed, Applicants are in custody since 23.07.2018 (in MCRC No. 1247/2019) and 29.04.2018 (in MCRC No. 1229/2019) and trial is likely to 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 are in custody since 23.07.2018 (in MCRC No. 1247/2019) and 29.04.2018 (in MCRC No. 1229/2019) 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 applications are allowed.

10. It is directed that the Applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 50,000/- with two local solvent sureties each of Rs. 25,000/- to the satisfaction of the concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge