

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9500 of 2018**

- Manoj @ Kallu Khute S/o Balram Khute, Aged About 25 Years R/o Village Rohasi, P. S. and Tahsil Palari, District Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Khamtarai, Civil and Revenue District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Laxmeen Kashyap, Advocate.
For Respondent/State	: Shri K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**18/01/2019**

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 343/2018, registered at Police Station – Khamtarai, District – Raipur, Chhattisgarh, for the offence punishable under Sections 379/34 of the IPC.
2. Initially, vide order dated 01/11/2018, passed in MCRC No. 7502 of 2018, the first bail application was dismissed for want of prosecution.
3. As per the prosecution story, 22.06.2018, driver of the Complainant Gaiindlal loaded iron rod in the Truck bearing registration No. C.G. 04 ZC 0167 from Fortune Metallic and parked the said truck near Bhanpuri Traffic Thana Service road and went to sleep at 10 O'clock in his house. When he woke up at 4 o'clock in the morning, he found that the truck was not there. It was stolen alongwith the iron rod. On the basis of the above, report has been lodged by the Complainant Sonu Singh. During course of investigation and as per the memorandum

statement of the present Applicant, stolen truck and cash of Rs. 2,000/- have been seized from his possession and has been arrested on 22.06.2018.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. She further submits that the Applicant has no criminal antecedent and other co-accused persons namely Chetan Dhruw has been granted bail vide order dated 14.09.2018 passed in MCRC No. 6006 of 2018 and Om Prakash Nishad has also been granted bail vide order dated 06.10.2018 passed in MCRC No. 6550 of 2018. Charge-sheet has been filed, the Applicant is in custody since 22.06.2018 and trial will take some time. Therefore, he may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant has no criminal antecedent, the Applicant is in custody since 22.06.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge