

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6693 of 2019**

- Prakash Jangid S/o Shri Ved Prasad Jangid, aged about 37 years, R/o MIG-8, Maruti Enclave, Amanaka, Raipur, Tahsil and District Raipur (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through : P.S. Urla, District Raipur, Chhattisgarh.

---- Respondent**And****MCRC No. 7737 of 2019**

- Algu Sao S/o Shri Aliyar Sao Yadav, aged about 38 years, R/o Veer Savarkar Nagar, Hirapur, Police Station Kabir Nagar, Ashok Nagar, Gudhiyari, District Raipur (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through : Station House Officer, Police Station Urla Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicants	:	Shri Keshav Dewangan, counsel in MCRC No.6693/2019 and Shri Jitendra Shukla, counsel in MCRC No.7737/2019.
For Respondent	:	Shri Akhtar Hussain, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****12/12/2019**

Heard.

1. Since the aforesaid bail applications arise out of same crime number, they are being disposed of together by this common

order.

2. The applicants have preferred these first bail applications under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.412/2019, registered at Police Station - Urla, District Raipur (C.G.) for the offence punishable under Sections 379, 411, 414 r/w section 34 IPC and Section 25 of Arms Act.
3. The prosecution story, in brief, is that complainant Indra Prakash Chandrakar, Managing Director of Saurabh rolling Mill Pvt. Ltd, made a written report in police station Urla alleging therein that on 08.09.2019 at about 2.30 PM, he sent a truck bearing registration No.CG-04-JC-9089 to Agrasen Re-rollers Company in which MS-BILLET 30.680 tones was loaded, but due to non-availability of parking space, the truck was parked outside the company and driver left for his house. Next day, when the driver came, he found that the truck was missing, thereafter, the offence under section 379, 411, 414 R/w 34 IPC and 25 of Arms Act was registered against unknown persons. During investigation, the applicants were interrogated and gas cutter, domestic LPG cylinder, oxygen gas cylinder etc. were seized from their possession.
4. Learned counsel for the applicant in MCRC No.6693/2019 submits that the applicant is innocent and has been falsely implicated in the case. He further submits that there is no allegation against the present applicant. The applicant, upon direction of one Umang Chandrakar, went to collect the remaining rent from Devendra Singh Sandhu who is the tenant of premises, except this there is nothing like in this case which makes the applicant guilty of the offence.

Learned counsel for the applicant in MCRC No.7737/2019 submits that the applicant was not seen by anybody near the place of incident and only on the basis of memorandum, he has been arrested. Learned counsel for the applicants jointly submit that the applicants are in jail since 11.09.2019 and 12.09.2019, the offence is triable by Magistrate and there is no likelihood of their case being decided in near future.

Therefore, they may be released on bail.

5. On the other hand, learned State counsel opposes the bail applications. He submits that at the instance of the applicants, the articles like gas cutter, domestic LPG cylinder and oxygen cylinder have been seized from their possession, which proves their involvement in the crime in question.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and circumstances of the case, the quality of evidence and further considering the fact that the applicants are in jail since 11.09.2019 and 12.09.2019, the offence is triable by Magistrate, the charge sheet has been filed and the final disposal of the case may take some time, without further commenting on merits of the case, I am inclined to release them on bail.
8. Accordingly, the bail applications are allowed.
9. It is directed that the Applicants shall be released on bail on their executing a personal bond for a sum of Rs.50,000/- each 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/-

(Rajani Dubey)
Judge