

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7233 of 2019**

- Raja @ Firoz Khan S/o Hasan Khan Aged About 26 Years R/o Gevra Basti, Police Station - Kusmunda, District - Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station - Kusmunda, District - Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent**MCRC No. 7200 of 2019**

- Shabbir Memon S/o Ayub Memon Aged About 28 Years R/o Village - Gevra Basti, Police Station - Kusmunda, Tehsil - Katghora District - Korba Chhattisgarh., District : Korba, Chhattisgarh
- Akram Memon S/o Ayub Memon Aged About 30 Years R/o Village - Gevra Basti, Police Station - Kusmunda, Tehsil - Katghora District - Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station - Kusmunda, District - Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

For Applicant	:	Shri H.S. Patel, Advocate in MCRC No.7233/2019.
For Applicants	:	Shri Atanu Ghosh, Advocate in MCRC No. 7200/2019
For Respondent	:	Shri B.L. Sahu, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03/01/2020**

1. As both the MCRCs arise out of same crime number, they are

being heard and disposed of by this common order.

2. The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Ishtagasa No.07/2019 registered at Police Station – Kusmunda District Korba(C.G.) for the offence punishable under Sections 41(1-4) of the Cr.P.C. and Section 379/34 of the IPC.
3. It is the case of prosecution that the Police of Police Station Kusmunda District Korba has seized 420 liters of diesel from the possession of applicant Raja @ Firoz Khan and 70-70 liters of diesel from applicants Shabbir Memon and Akram Memon and on demand they could not produce any document for the same.
4. Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question and they were carrying the same for their own use. They submit that the offence is triable by Magistrate and the applicants are in jail since 16.10.2019 and the trial is likely to take some time for its final disposal, therefore, they may be released on bail.
5. On the other hand, counsel for the State opposes the bail application.
6. Considering the facts and circumstances of the case, in particular, the nature of allegations against the applicants and that the offence is triable by Magistrate, I am of the opinion that present is a fit case, in which, the applicants

should be enlarged on regular bail.

7. Accordingly, the bail applications are allowed. It is directed that on each of the applicants furnishing a personal bond in the sum of Rs.2,00,000/- (Rs. Two Lacs) with one surety each in the like sum to the satisfaction of the concerned Court for their appearance as and when directed, the applicants shall be released on bail, subject to following conditions:
8. That, the applicants shall furnish a specific, undertaking that while on bail, they will not commit similar offence, otherwise bail granted to them shall be liable to be cancelled and shall co-operate the prosecution during trial.
9. That, the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required and the accused/applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.
10. That, the accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial.
11. Certified copy, as per rules.

Sd/

(Rajani Dubey)
Judge