

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7992 of 2019**

- Anish Toppo S/o Late Shri Istanish Toppo Aged About 40 Years R/o Sarwamangala, Nagar, Korba, P. S. City Kotwali, Tehsil And District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through P. S. Kushmunda Civil And Revenue District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Respondent**MCRC No. 8129 of 2019**

- Santosh Vishwakarma S/o Suresh Vishwakarma Aged About 29 Years R/o Barampur Korba, Tahsil Katghora, 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

For Applicant	:	Shri Harshal Chouhan, Advocate in MCRC No.7992/2019.
For Applicant	:	Shri Rajbahadur Singh, Advocate in MCRC No. 8129/2019
For Respondent	:	Shri Vinod Tekam, 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.10/2019 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 officer in-charge of Police Station Kusmunda District Korba has seized 70 liters of diesel from the possession of each of the applicant 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 11.11.2019 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 application is allowed. It is directed that on each of the applicants furnishing a personal bond in the sum of Rs.1,00,000/- 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