

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 86 of 2021

- Kiyamuddin (Wrongly Mentioned as Kyamuddin) Hasan @ Panna, S/o Late Kallu Hasan, aged about 65 Years, R/o Mudapar, Tahsil and District Korba Chhattisgarh.

---Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Out Post C.S.E.B., Police Station Kotwali, Korba, District Korba Chhattisgarh.

----Non-applicant

For Applicant	Shri Dharmesh Shrivastava, Advocate.
For State	Shri Sudhir Sahu, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

09/02/2021

1. The applicant has preferred this application under Section 439 of Cr.P.C. as he has been arrested in connection with Istgasa No.09/2020 registered at Police Station Kotwali, Korba, Out Post C.S.E.B., District Korba, C.G. for the offence punishable under Section 41(1-d) of Cr.P.C. and under Section 379 of Indian Penal Code.
2. Allegation against the present applicant is that on checking the store room of the applicant by police, the applicant was found in possession of vehicles and on demand of papers of the vehicles, it was found that the vehicles were registered in the name of others and no documents regarding purchase of the vehicles were shown by the present applicant.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant has only one criminal antecedent, charge sheet has already been filed, he is in jail since 12.08.2020, conclusion of trial is likely to take some time and that co-accused namely Madan Lal Shriwas in this case has already been granted regular bail by this Court vide order dated 03.12.2020 passed in MCRC No.5804 of 2020 and, therefore, the applicant be released on bail on the ground of parity.
4. On the other hand, learned counsel for the State opposes the bail application. He submits that applicant has only one criminal antecedent.
5. Heard learned counsel for the parties and perused the case diary.
6. Looking to the facts and circumstances of the case, the detention period of the applicant, who is aged about 65 years, there is only criminal antecedent of the applicant of the year 2020 under Section 3(A) of Railway Property Unlawful Possession Act as admitted by both the counsel, charge sheet has already been filed, trial is likely to take some time and that co-accused has already been granted regular bail by this Court, without expressing any opinion on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following

conditions:-

- (i) he 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 from disclosing such fact to the Court,
- (ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) he shall not involve himself in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh