

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4401 of 2021**

1. Suraj Rajput, S/o Ramkhilavan, aged about 21 years.
2. Rakesh Dhruv, S/o Shetal Dhurv, aged about 24 years.
Both R/o village Sirgitti, Police Station: Sirgitti, Nagar, District Bilaspur (CG)

---- Applicants (In Jail)**Versus**

- Union of India through its Railway Security Settlement Post, Bilaspur, District Bilaspur

---- Non-applicant**MCRC No. 4392 of 2021**

- Ashish Suryavanshi, son of Rajkumar Suryavanshi, aged about 23 years, resident of Sirgitti, P.S. Sirgitti, Tahsil and District Bilaspur (CG)

---- Applicant (In Jail)**Versus**

- Union of India through The Railway Security Force Settlement Post, Bilaspur, District Bilaspur

---- Non-applicant**&****MCRC No.5384 of 2021**

- Chetan Sahu, son of Ramayan Sahu, aged about 18 years, resident of Sirgitti, P.S. Sirgitti, Tahsil and District Bilaspur (CG)

---- Applicant (In Jail)**Versus**

- Union of India through The Railway Security Force Settlement Post, Bilaspur, District Bilaspur

---- Non-applicant

MCRC No.4401/2021

For Applicants : Mr. Anil Tawadkar, Advocate
For Non-applicant : Mr. R.K. Gupta, Advocate.

MCRC No.5384/2021 & 4392/2021

For Applicants : Mr. B.L. Sahu, Advocate
For Non-applicant : Mr. R.K. Gupta, Advocate.

Hon'ble Shri Justice Parth Prateem Sahu**Order On Board****25/10/2021**

1. As above three bail applications arise out of same crime number, they are being heard together and disposed of by this common order.

2. This is first application on behalf of above applicants under Section 439 of CrPC for grant of regular bail as they are in custody since 3/6/2021 & 4/6/2021 respectively in connection with Crime No.3/2021 registered at Railway Security Force Settlement Post, Bilaspur for commission of offence under Section 3 (A) of the Railway Property (Unlawful Possession) Act, 1966.
3. Case of prosecution, in brief, is that a complaint was lodged by the Senior Section Engineer, New Electric Loco Shed, Bilaspur regarding theft of tree cutting machine (1 No.), battery (2 Nos.) and telephone of betel company (3 Nos.). Based on complaint, Railway Security Force Post Settlement, Bilaspur registered offence, commenced investigation and in the course of investigation, arrested applicants and co-accused Kanhaiya Diwakar alias Billu. On the basis of memorandum statement of co-accused, stolen articles were seized from possession of Arshad Kabadi (engaged in business of sale and purchase of scrap). Based on complaint and seizure of theft articles, crime in question is registered against applicants and co-accused Kanhaiya Diwakar alias Billu & Arshad Kabadi.
4. Learned counsel for respective applicants jointly submit that applicants are innocent and they have been falsely implicated in offence. There was no seizure of any theft article from possession of any of applicants. Applicants are not having any criminal antecedent against them and they are in jail since 3.6.2021 & 4.6.2021 respectively. After completion of

investigation, charge sheet has been filed and conclusion of trial is likely to take some time, hence applicants may be enlarged on regular bail.

5. Mr. R.K. Gupta, learned counsel for non-applicant opposes the submissions made by learned counsel for respective applicants and submits that applicants are few members of a gang engaged in stealing railway properties, hence they are not entitled for benefit of bail. However, upon putting specific query with regard to any criminal antecedent against applicants of similar nature, he submits that in the records available with him there is no mention about any criminal antecedent against applicants.
6. I have heard learned counsel for the parties.
7. Considering nature of allegations, fact that theft articles were not recovered from possession of applicants, there is no other criminal antecedent of similar nature against applicants; they are languishing in jail since 3.6.2021 & 4.6.2021 respectively, without commenting anything on merits of case, I am inclined to release applicants on regular bail.
8. Accordingly, all three applications are allowed and it is directed that **applicant Suraj Rajput in MCrC No.4401/2021; applicant Ashish Suryavanshi in M.Cr.C. No.4392/2021 & applicant Chetan Sahu in M.Cr.C. No.5384/2021** shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to satisfaction

of trial Court concerned on the conditions that;

- they shall appear before trial Court concerned regularly on each and every date unless exempted from appearance.
- they shall not, in any manner, tamper with the prosecution witnesses.
- if applicants are found involved in similar offence in future, it will be open for the State to apply for cancellation of their bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-