

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 6438 of 2021**

- Bhishmapratap Sahu S/o Sitaram Sahu Aged About 30 Years R/o Village Bindraan, Police Station Komakhan, Tehsil Bagbahra, District- Mahasamund, Chhattisgarh
- Narayan Sahu S/o Late Gopram Sahu Aged About 25 Years R/o Village Mongrapali, Police Station Jonk, Khariyar Road, Tehsil And District- Nuapada, Orissa

**---- Applicants**

**Versus**

- State Of Chhattisgarh Through Police Station Komakhan, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

**---- Respondent**

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| For Applicants       | : Shri Prasun Agrawal, Advocate |
| For Respondent/State | : Ms M Asha, Panel Lawyer       |

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**Hon'ble Shri Justice Parth Prateem Sahu**  
**Order on Board**

**01.11.2021**

1. Applicants have preferred this bail application under Section 439 of CrPC for grant of regular bail as they were arrested in connection with Crime No.01 of 2021 registered at Police Station- Komakhan, District- Mahasamund, Chhattisgarh for the offences punishable under Section 41 (1+4) of CrPC and Section 379 and 34 of IPC .
2. Case of the prosecution, in brief, is that on 30.07.2021 during the course of inspection, accused persons were intercepted near Komakhan Bhatti, when they were travelling on Hero Honda Motorcycle bearing No.CG 04 DK-2188. In their submission, they admitted their guilt of theft of Motorcycle. Two Motorcycles bearing No.CG04 KZ-3857 and CG06 DL-6210 were recovered

from Bhishma Pratap Sahu and two wheelers bearing no. CG04 LW-0420 and CG 04 DK- 2188 were recovered from Narayan Sahu.

3. Learned counsel for the applicants would submit that applicants have not made any theft of two wheelers, but they purchased the same. They were arrested on 30.07.2021 and offences are triable by Magistrate and there is no other criminal antecedents against them. Hence, they may be enlarged on regular bail.

4. Ms M Asha, learned State counsel opposing the submissions of learned counsel for the applicants, submits that two Motorcycles were seized from possession of each of applicants. Hence, they are not entitled for regular bail under Section 439 of CrPC.

5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegations, fact that offences are triable by the Magistrate, there is no criminal antecedents against applicants and looking to period of detention of applicants, without commenting anything on merits of the case, I am inclined to enlarge the applicants on bail.

7. Accordingly, the bail applications are allowed. It is directed that the applicants shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) each with one local surety in the like sum to the satisfaction of the concerned Court on the condition that:

1. Applicants shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
2. Applicants shall not in any manner, tamper with the prosecution witnesses.
3. If the applicants are found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-  
(Parth Prateem Sahu)  
JUDGE

padma