

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7318 of 2021

1. Mahendra Kumar Chauhan S/o Santram Chauhan Aged About 38 Years Resident Of Village Damiya, Police Station Pali, District Korba (Chhattisgarh), District : Korba, Chhattisgarh
2. Jansingh S/o Dhanraj Singh Kavar Aged About 33 Years R/o Village Kpot, Police Station Pali, District Korba, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through S.H.O. P.S. Kusmunda, District - Korba (Chhattisgarh)

---- Respondent

For Applicants	: Shri Vijay Kumar Sahu, Advocate
For Respondent/State	: Shri Ravi Maheshwari, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

28/10/2021

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No. 388/2021 registered at police station Kusmunda, district Korba (CG) for the offence punishable under Sections 41 (1-4) Cr.P.C, Section 379 IPC and 3 & 7 of the E.C. Act.

Case of the prosecution is that the applicants have committed theft of 455 litres of diesel and on receiving information, the police party reached and found the applicants in possession of the same in a Bolero which was kept by them in 13 jerrycans.

Counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. It is submitted that the applicants are in jail since 27.08.2021 and the trial will take time for final disposal and therefore they may be released on bail.

On the other hand, learned counsel for the State opposes the bail application.

Considering the totality of the facts and circumstances of the case, in particular the detention period of the applicants, I am inclined to release them on bail. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicants' furnishing a personal bond of Rs. 50,000/- with one surety each in the like sum to the satisfaction of the concerned court for their appearance before it as and when directed, they shall be released on bail.

Sd/-
(Rajani Dubey)
Judge