

(2020) 01 CHH CK 0013

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case No. 7992, 8129 Of 2019

Anish Toppo And Anr

APPELLANT

Vs

State Of Chhattisgarh Through And Anr

RESPONDENT

Date of Decision : 03-01-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 41(1)(4), 439
Indian Penal Code, 1860 — Section 34, 379

Citation : (2020) 01 CHH CK 0013

Hon'ble Judges : Rajani Dubey, J

Bench : Single Bench

Advocate : Harshal Chouhan, Rajbahadur Singh, Vinod Tekam

Final Decision : Allowed

Judgement

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.