

(2018) 07 CHH CK 0163

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 4318 Of 2018

Dhanesh Pandey And Ors

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: July 3, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 379
- Code Of Criminal Procedure, 1973 - Section 14, 439

Hon'ble Judges: Pritinker Diwaker, J

Bench: Single Bench

Advocate: Saleem Kazi, Rahul Tamaskar

Final Decision: Allowed

Judgement

Pritinker Diwaker, J

1. This application under Section 439 of the Code of Criminal Procedure has been filed by the applicants who are in custody in connection with Crime

(Istigasa) No. 11/2018 registered at Police Station City Kotwali, District Bilaspur for commission of the offences punishable under Sections 379 IPC

and Section 14 (1-4) Cr.P.C.

2. Case of the prosecution in short is that about 7.27 tonnes of iron and tin was found in the custody of the applicants and it is said that the same was

the stolen property. Further case of the prosecution is that the applicants have failed to produce any document regarding purchase of the said material.

3. Counsel for the applicants submits that applicant Dhanesh Pandey is the proprietor of Sharda Traders which deals in scrap material whereas

applicants Dipak Sahu and Brahmanand Nishad are the drivers of the pick- up vehicle belonging to applicant Dhanesh Pandey. He submits that there is no complaint by anyone against the applicants about the theft of the iron and tin. He further submits that the applicants are even having the bills being annexures ""A-2 and A-3"" of the said material. According to him, the offences are triable by the Magistrate, the applicants are in jail since 22.5.2018 and the trial may take some time for conclusion, they may be released on bail.

3. State counsel however opposes the application for bail.

4. Considering the facts and circumstances of the case, the nature of allegations made against the applicants and that they are in jail since 22.5.2018, this Court is of the opinion that it is a fit case to release them on bail. Accordingly, the application is allowed and the applicants are directed to be released on bail on each of them furnishing a bond in the sum of Rs. 3,00,000/- (Three Lakhs) with one surety for the like sum to the satisfaction of the concerned Court for their appearance before that Court as and when directed.