

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 823 of 2018

1. Dilrakhan, aged about 25 years, son of Shri Shivbalak, Caste- Pando, Occupation- Labourer, R/o Village Jamjhariya (Mahora), Police Station- Patna, Tahsil- Baikunthpur, District- Korea (Chhattisgarh).
2. Ashok @ Titku, aged about 25 years, son of Shri Nan Pando, caste- Pando, occupation- Labourer, R/o. Village- Parsurampur (Bada Bhainsa), Police Station and Tahsil- Ramanujnagar, Distt.- Surajpur (Chhattisgarh).

---- Applicants

Versus

- State Of Chhattisgarh Through: the Station House Officer, Police Station- Patna, Distt.- Korea (Chhattisgarh).

---- Respondent

For Applicant	: Ms. N. K. Kashyap, Advocate.
For Respondent/State	: Ms. Smita Ghai, Penal Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/04/2018

1. Heard.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 195/2017 registered at Police Station- Patna, District – Koriya (Chhattisgarh) for the offence punishable under Sections 457, 380 of the Indian Penal Code, 1860.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case, the applicants are in jail since 28.08.2017, the case against the applicants is triable by Judicial

Magistrate First Class. The trial against them has still not concluded. No case is made out against these applicants. Hence, it is prayed that applicants be enlarged on regular bail.

4. Learned State counsel opposes the bail application and submits that in the year 2014, both the applicants were involved in another one criminal antecedent regarding prosecution for offence under Section 457 & 380, hence, they are not entitled for grant of regular bail.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case, it is alleged that the applicants have committed theft in the house of Md. Rashid Khan on the intervening night of 23rd to 24th of August, 2017 and have stolen a cash of Rs. 15,900/- and also gold and silver ornaments. After lodging FIR, at the instance of the applicants some recovery has been made and stolen property was identified by the complainant in the identification parade. Hence this Case.
7. Considering the entire material present in the case diary, and trial is likely to take some time and looking to the detention period of the applicants which is more than 7 months, hence, I am of this opinion that applicants should be benefited with grant of regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge