

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4965 of 2018**

1. A. Ajay S/o Shreenudas Aged About 21 Years R/o Village Paklapali, Post Office And Police Station Aarka, District Ganjam Odisha, District : Ganjam, Orissa
2. T. Rajesh S/o T. Seemanchal Aged About 20 Years R/o I. B. Camp, Aarka, Post Office And Police Station Aarka, District Ganjam Odisha, District : Ganjam, Orissa.

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Basna District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh.

---- Respondent

For the Applicants : Shri Shivendu Pandya, Advocate.
 For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****07.08.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.503 of 2017, registered at Police Station – Basna, District – Mahasamund, Chhattisgarh for the offence punishable under Section 379/34 of the Indian Penal Code (wrongly mentioned the offence as 397/ 34 of I.P.C. in the rejection order).

2. Learned counsel for the applicants submits that the applicants are in jail since 15.2.2018 & 16.2.2018 and have been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed and the trial of the case is likely to take some time for its final disposal. Hence, it

is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicants have criminal history of having committed similar nature of offence and they are resident of Orissa. Hence, for these reasons, the applicants are not entitled for bail.

4. Heard counsel for both the parties and perused the case diary.

5. Complainant – Vilash Kumar Ratre has lodged FIR that cash of Rs.23,500/- was stolen from the dicky of the motorcycle. During investigation, recovery of some cash has been made from both the applicants. Hence, this case.

6. Considering the submissions and the contents of the case-diary, in the present situation the trial against the applicant is pending before the concerned Court which is likely to take some time for its conclusion, I am of the considered view that in this case the applicants deserve to be enlarged on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their

appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi