

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.5762 of 2018**

1. A. Ajay, S/o Shri Shreenudas, aged about 21 years, R/o Village Paklapali, Post Office & Police Station Aarka, District Ganjam (Odisha).
2. T. Rajesh, S/o T. Seemanchal, aged about 20 years, R/o I.B. Camp, Post Office & Police Station Aarka, District Ganjam (Odisha).

---- Applicants**Versus**

State of Chhattisgarh, through the Station House Officer, Police Station Saraipali, District Mahasamund (CG).

---- Non-applicant

For Applicants : Mr. Shivendu Pandya, Advocate.

For Non-applicant : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****09.10.2018**

1. This is a second bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other Court.
2. The applicants have been arrested in connection with Crime No.353/2017 registered in Police Station Saraipali, District Mahasamund for the offence punishable under Sections 379/34 of Indian Penal Code.
3. The first bail application of the applicants was dismissed as withdrawn with liberty to revive the same at the appropriate stage by co-ordinate bench of this Court passed in M.Cr.C. No. 4089 of 2018 decided on 02.07.2018.
4. Prosecution story in brief is that on 03.11.2017 at about 11:30 am in front of Choudhari Library, the present applicants had stolen a sum of Rs.48,000/- from the dicky of motor cycle of the complainant Shreedhar Bhoi.
5. Counsel for the applicants submitted that the applicants are innocent and have been falsely implicated in the present case hence they may be

released on bail.

6. Counsel for the State submitted that one another criminal case under Section 392/34 of IPC has already been registered against the applicants hence they are not entitled for grant of bail.

7. Offence is triable by JMFC.

8. Looking to the above facts and circumstances of the case, the application is allowed. It is ordered that if the applicants furnishes two solvent sureties each for a sum of Rs.25,000/- each along with one personal bond of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that will not involve themselves in any of the crime in future, they be released on bail.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-