

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6743 of 2018**

1. Niran Khan @ Chuntu, S/o Sakir Khan Aged About 24 Years,
 2. Rawani Ali, S/o Sakir Khan, Aged About 27 Years,
- Both are R/o Village - Pet, Police Station- Sitapur, District - Sarguja, Chhattisgarh

---- Applicants**Versus**

State of Chhattisgarh, Through The Station House Officer, Police Station Sitapur, District - Sarguja, Chhattisgarh

---- Respondent

For Applicants. : Shri Vivek Kumar Pandey, Advocate.
 For Respondent. : Smt. M. Asha, P.L.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

10/10/2018

1. The applicants have filed this *First bail application* under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.52/2018 registered at Police Station : Sitapur, District - Sarguja (C.G.) for the offence punishable under Sections 457 and 380/34 of the IPC.
2. As per the prosecution case, on 04.06.2018 the complainant has lodged an FIR before Police Station alleging in it that some unknown persons committed theft in his house and took some articles costing to Rs.62,600/-. During investigation and on being inquired, it reveals that the theft was committed by the applicants and other co-accused. The

offence has been registered against the applicants and they are in custody since 10.07.2018.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the present case. He further submitted that no article was seized from their possession pointing towards an incriminating circumstance that it is the applicants who have committed the theft.
4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, and the fact that the applicants are in custody since 10.07.2018 and the offence is triable by Judicial Magistrate First Class, trial will take some more time, this Court is of the opinion that it is a fit case to release the applicants on bail.
7. Accordingly, the application is allowed.
8. It is directed that the accused/applicants shall be released on bail on their furnishing a personal bond of Rs.25,000/- to each with one surety for the like sum to the satisfaction of the concerned Court for their appearance before it as and when directed.

Sd/-
(Rajani Dubey)
Judge