

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5012 of 2019

1. Motilal Basor S/o Shankarlal Basor Aged About 40 Years R/o Village- Sarai, District- Singrouli, Madhya Pradesh., District : Singhrouli, Madhya Pradesh
2. Mohanlal Basor S/o Premlal Basor Aged About 42 Years R/o Village- Budhela, Police Station- Baidhan, District- Singrouli, Madhya Pradesh., District : Singhrouli, Madhya Pradesh
3. Rammilan S/o Surajlal Aged About 29 Years R/o Village- Budhela, Police Station- Baidhan, District- Singrouli, Madhya Pradesh., District : Singhrouli, Madhya Pradesh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Kotadol, District- Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

 For Applicant : Shri Anil Gulati, Advocate
 For Respondent/State : Shri Anil Tripathi, Panel Lawyer

Hon'ble Smt. Justice Rajani Dubey
Order On Board

23.10.2019

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with Crime No.14/2019, registered at Police Station Katadol, District Koriya(CG) for the offence punishable under Sections 457, 380 r/w 34 of the IPC.
3. As per the case of prosecution, complainant Anup Kumar Soni used to sell ornaments in the Weekly Market and on 28.5.2019, after the Weekly Market when he stayed in the house of Vijay Gupta. The allegations are that the applicants taken away gold and silver ornaments and cash of Rs.11,500/-

and Rs.5000/- kept in the Bag of Vijay Gupta. On the basis of memorandum, theft articles were seized from the applicants.

4. Learned counsel for the applicants submits that the applicants have not committed any offence and false seizure memo has been prepared against them. He submits that yet charge-sheet has not been filed the applicants are in jail since 30.5.2019 and trial will take some time for its final disposal, therefore, the applicants may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicants and the fact that the applicants are in jail since 30.5.2019, I am of the opinion that present is a fit case to release the applicants on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs.50,000/- with one surety each in like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE