

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5692 of 2019**

1. Balram Dewangan son of late Shivram Dewangan, aged about 37 years.
2. Rupesh Sen son of Devendra Kumar Sen, aged about 27 years.
3. Naresh Banjare son of Rameshwar Banjare, aged about 37 years.
4. Bhagwat Vishwakarma, son of late Manaram Vishwakarma, aged about 35 years.
5. Rameshwar Dhruv, son of late Khorbahara Ram Dhruv, aged about 37 years.

All R/o village Kosmarra, Post Kosmarra, District Dhamtari (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh Through : The Station House Officer Bhakhara, District Dhamtari (C.G.)

---- Respondent**And****MCRC No. 5845 of 2019**

- Lakhan Sahu S/o Late Shri Puneet Ram Sahu, aged about 47 years, resident of village Kosmarra, Post Kosmarra, District Dhamtari (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, P.S. Bhakhara, District Dhamtari (C.G.)

---- Respondent

For Applicants	:	Shri Anil Gulathi, Advocate
For Respondent	:	Ms. Akshara Amit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

17/10/2019

1. Since the aforesaid bail applications arise out of the same crime number, they are being disposed of together by this common order.
2. The applicants have preferred these first bail applications under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.131/2019, registered at Police Station – Bhakhara, District Dhamtari (C.G.) for the offence punishable under Section 379 of I.P.C.
3. The prosecution story, in brief, is that on 27.06.2019, complainant Hitesh Kumar Raichura lodged a report stating therein that his Matador bearing registration No.CG-04-LC-6750 turned turtled near village Kosmarra, as a result of which the articles which were being transported in the vehicle shattered on the road and it is alleged that the present applicants stolen two submersible pumps, two boxes of ready made clothes, four boxes of fiber plate and other articles. During investigation, the accused/applicants interrogated, their statements were recorded in which they confessed the offence and the stolen articles were seized from their possession. Based on this, offence has been registered against the applicants. Present applicants have been taken into custody on 11.08.2019.
4. Learned counsel for the applicants submits that the

applicants are innocent and have been falsely implicated in the case. He further submits that the applicants have no criminal antecedent and only on their memorandum statement, they have been arrested. He also submits that the applicants are in custody since 11.08.2019, charge sheet has been filed and there is no likelihood of their case being decided in near future. Therefore, they may be released on bail.

5. On the other hand, learned State counsel opposes the bail application.
6. I have heard learned counsel for the parties and perused the record.
7. Considering the facts and circumstances of the case, the quality of evidence and further considering the fact that the applicants have no criminal antecedent, they are in custody since 14.08.2018 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
8. Accordingly, the bail applications are allowed.
9. It is directed that the Applicants shall be released on bail on their executing a personal bond for a sum of Rs.20,000/- each with one solvent surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge