

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5891 of 2019**

1. Pratima Lahare D/o Dubedas Aged About 30 Years, Caste- Satnami, Resident of Village Senbaththa Thana And Tahsil Bagbahara, District- Mahasamund, Chhattisgarh.
2. Durgesh Sahu S/o Chetan Lal Sahu Aged About 28 Years, Resident of Village Birajpali, Thana And Tahsil Bagbahara, District- Mahasamund, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station- Bagbahara, District- Mahasamund, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Vikash Pradhan, Adv.
For Respondent/State	:	Mr. B. L. Sahu, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****15.11.2019**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 198/2019 registered at Police Station Bagbahara, District-Mahasamund (C.G.) for the offence punishable under Sections 457 and 380 of the IPC.
2. The prosecution story, in brief is that, complainant Madhukar Shyam lodged a report on 18.08.2019 that Rs. 6,79,250/- have been theft from Liquor shop based on this offence has been registered against unknown persons and during course of investigation the accused/applicants were arrested on the basis of memorandum statement.
3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question.

He further submits that the present applicants have been arrested only on the basis of memorandum. The applicants are in jail since 19.08.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering the facts that applicants have no previous criminal antecedent and the offence is triable by Judicial Magistrate First Class. The present applicants are in jail since 19.08.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
7. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

**Sd/-
(Rajani Dubey)
Judge**