

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6372 of 2019**

1. Pradeep Kumar Sahu S/o Mohan Lal Sahu Aged About 19 Years, R/o Village Charota Police Station Bhakhara, District- Dhamtari, Chhattisgarh.
2. Rakesh Kumar Sahu S/o Pyare Lal Sahu Aged About 20 Years, R/o Village Charota Police Station Bhakhara, District- Dhamtari, Chhattisgarh.
3. Omkar S/o Anand Ram Thakur Aged About 23 Years, R/o Village Charota Police Station Bhakhara, District- Dhamtari, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh, Through : Police Station Bhakhara, District- Dhamtari, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Pushpendra Kumar Patel, Adv.
For Respondent/State	: Mr. Vinod Kumar Tekam, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28.11.2019**

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. 148/2019 registered at Police Station-Kurud, District-Dhamtari (C.G.) for the offence punishable under Sections 457 and 380/34 of the IPC.
2. The prosecution story, in brief is that, on 03.08.2019 the complainant lodged a report that on 02.08.2019 and 03.08.2019 at mid night some unknown persons break the shutter and lock of the shop with the help of grinder machine and stolen total 19 Android mobile phones. After investigation, on the basis of memorandum the present applicants were arrested. Based on this offence has been registered against the present applicants.
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 there is no previous criminal antecedent of the applicants. The applicants are in jail since 07.08.2019, 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 the offence is triable by Judicial Magistrate First Class and there is no previous criminal antecedent. The present applicants are in jail since 07.08.2019 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**