

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6551 of 2019**

1. Brij Kishore Karsh S/o Mahavir Karsh Aged About 26 Years, R/o Village Bhagodih, P.S. Baradwar, District- Janjgir-Champa, Chhattisgarh.
2. Rajesh Yadav S/o Gorelal Yadav Aged About 33 Years, R/o Village Bhagodih, P.S. Baradwar, District- Janjgir-Champa, Chhattisgarh.
3. Kamal Singh Rajput @ Bhanu S/o Sudama Rajput Aged About 37 Years, R/o Village Bhagodih, P.S. Baradwar, District- Janjgir-Champa, Chhattisgarh.
4. Tarun Kumar Karsh S/o Tarachand Karsh Aged About 18 Years, R/o Village Bhagodih, P.S. Baradwar, District- Janjgir-Champa, Chhattisgarh.
5. Suman Karsh S/o Late Dhansai Karsh Aged About 20 Years, R/o Village Bhagodih, P.S. Baradwar, District- Janjgir-Champa, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through : Station House Officer, R.P.F. Champa, District- Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Ajay Ayachi, Adv.
For Respondent/State	:	Mr. Akhtar Hussain, PL.
For Objector	:	Mr. R. S. Patel, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06/12/2019**

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. 12/2019 registered at Police Station-Railway Protection Force Champa, Civil and Revenue District-Janjgir-Champa (C.G.) for the offence punishable under Section 3 (A) R.P. (U.P.) Act.
2. The prosecution story, in brief is that, on 15.09.2019 officers of R.P.F. were going through road at night 1 PM., near Railway Yard

Baradwar they found 5 persons at different places carrying some heavy item in carry beg they were stopped them, on opening beg it was found that each of them having two Fish Plate belonging to railway department. 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 the applicants are in jail since 15.09.2019, 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. Learned counsel for the objector opposes the bail application with submitting that for this offence minimum sentence is 01 year and the present applicants have not completed 25 percent of the jail sentence and they have caught red handed. So, it is not a fit case to release them on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the offence is triable by Judicial Magistrate First Class. The present applicants are in jail since 15.09.2019 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.
8. 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**