

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6590 of 2019**

1. Hariram Sethiya S/o Lokeshwar Sethiya Aged About 28 Years
R/o Bade Arapur, District Bastar Chhattisgarh, District :
Bastar(Jagdalpur), Chhattisgarh
2. Shekhar Kachchh S/o Vishnu Kachchh Aged About 29 Years
R/o Bade Arapur, District Bastar Chhattisgarh, District :
Bastar(Jagdalpur), Chhattisgarh
3. Rajendra Nag S/o Gaddi Ram Nag Aged About 22 Years R/o
Bade Arapur, District Bastar Chhattisgarh, District :
Bastar(Jagdalpur), Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through The Police Station Kodanar,
District Bastar Chhattisgarh, District : Bastar(Jagdalpur),
Chhattisgarh

---- Respondent

For Applicants	:	Shri P.K. Tulsyan, Advocate
For Respondent	:	Shri Akhtar Hussain, P.L.

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

1. The accused/applicants have moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No.1/2018, registered at Police Station - Kodanar, District Bastar(C.G.) for the offence punishable under Sections 427, 34 of the IPC and Section 3 of the Lok Sampatti Kshati Niwaran Adhiniyam and Sections 150, 151, 152 of the Railway Suraksha Adhiniyam, 1989.

2. Case of the prosecution is that on 1.1.2018 in the night at about 9.00 to 9.30 pm, the applicants taken out the 4 railway pendal clips from rail line near Arapur Railway Pole No.314/23-25 and throw away and thereby damaged the railway property.
3. Learned counsel for the applicants submits that the applicants are innocents and they have not committed any crime. He further submits that on account of previous enmity the applicants have been falsely implicated in the crime and their memorandum statements have been recorded after one year of the incident. He submits that the applicants are in custody since 5.8.2019 and the trial is likely to take some time for its final disposal, they may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, in particular, the nature of allegations against the applicants and their memorandum statements have been recorded after one year of the incident, and the applicants are in jail since 5.8.2019, I am of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
6. Accordingly, the application filed under Section 439 Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- 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.

7. Certified copy, as per rules.

Sd/

(Rajani Dubey)
Judge

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