

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6136 of 2019**

- Md. Shabbir S/o Md. Islam Aged About 35 Years, R/o Village Sonhat, Police Station And Tehsil Sonhat, District Koriya, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Police Station Sonhat District Koriya, Chhattisgarh.

---- Respondent**With****MCRC No. 6524 of 2019**

1. Jaiprakash S/o Shyamlal Panika Aged About 32 Years, R/o Village Chanwaridand, P. S. Manendragarh, District Koriya, Chhattisgarh.
2. Dijendra Singh S/o Bahadur Singh Aged About 36 Years, R/o Village Chanwaridand, P. S. Manendragarh, District Koriya, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through : Police Station Sonhat, District Koriya, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Pushkar Sinha, Adv.
For Respondent/State	:	Mr. B.L. Sahu, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21.11.2019**

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. 73/2019 registered at Police Station Sonhat, District-Koriya (C.G.) for the offence punishable under Sections 409, 457, 380 and 34 of the IPC.
2. The prosecution story, in brief is that, on 12.05.2019, complainant P.C. Gupta lodged a written report that on 30.04.2019, after

physical verification of society, it was found that 759 bags of DAP fertilizer were shortage in the stock from warehouse of Aadim jati Sahkari Sewa Samiti, Sonhat. Thereafter, during investigation, it was found that the present applicants with other co-accused theft the said fertilizer. 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 one seizure witness has been turned hostile. The applicants are in jail since 01.06.2019, 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 one seizure witness has been turned hostile. The present applicants are in jail since 01.06.2019 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. 25,000/- 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**