

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6440 of 2019

1. Gopal Nagesh And Anr. S/o Garra Aged About 25 Years
Occupation - Farmer Cast - Nagesiya R/o Village - Maanpur,
P.S. Batauli, Distt. Surguja Chhattisgarh.(In Jail).
2. Amrikan Singh S/o Shivaram Kanwar Aged About 20 Years R/o
Village - Maanpur, P.S. Batauli, Distt. Surguja Chhattisgarh.....
(In Jail).

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station - Batauli, Distt.- Surguja Chhattisgarh...(Non Applicant),,

---- Respondent

For Applicants	: Shri Wasim Miyan, Advocate
For Respondent/State	: Shri B.L.Sahu, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

18/11/2019

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No.63/2019 registered at police station Batauli, District Surguja (CG) for the offence punishable under Section 379/34 IPC.

Case of the prosecution in brief is that a report was lodged by the complainant alleging that his motorcycle was stolen by the applicants when he had gone to attend the marriage at village Shivpur and kept in the parking place.

Counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. He further submits that similarly placed co-accused has already been granted bail by this Court in M.Cr.C. No. 6165/2019 and therefore the present applicants may be granted the benefit. He submits that the applicants have no criminal antecedent and are in jail since 19.07.19; the charge sheet has been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion and therefore they may be released on bail.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicants, I am inclined to release them on regular bail. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicants' furnishing a personal bond in the sum of Rs.25,000/- each with one surety for the like sum to the satisfaction of the concerned Court, they shall be released on bail.

Sd/-
(Rajani Dubey)
Judge