

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6806 of 2019

1. Dharmendra Sahu S/o Dilip Sahu Aged About 19 Years R/o Village Chhapora, Police Station Tilda Newra, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Premlal Yadav S/o Rama Yadav Aged About 21 Years R/o Village Chhapora, Police Station Tilda Newra, District Raipur Chhattisgarh. (Age Mentioned As Per Charge Sheet), District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station - Suhela, District - Baloda Bazar - Bhatapara Chhattisgarh. (P. S. Wrongly Mentioned In The Certified Copy), District : Balodabazar-Bhatapara, Chhattisgarh

---- Respondent

 For Applicants : Shri Anil Gulati, Advocate
 For Respondent/State : Shri Anurag Verma, Panel Lawyer

Hon'ble Smt. Justice Rajani Dubey
Order On Board

29.11.2019

1. The accused/applicants have moved this second bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No.148/2019 registered at Police Station - Suhela, District Baloda Bazar-Bhatapara(C.G.) for the offence punishable under Section 395 of the IPC.
2. The first bail application of the applicants was dismissed as withdrawn on 6.8.2019 with liberty to revive the same after examination of the material witnesses.
3. It is the case of the prosecution that the complainant Mohan Rao Rake lodged a report that he is working in the Private Company as Courier Boy and on 4.6.2019 when he had gone to

deliver the mobile phone to Lalaram ordered by him, the present applicants along with other co-accused persons did not make payment of that phone and looted 4 Nos. other mobile phones from his bag.

4. Learned counsel for the applicants submits that the applicants have been falsely implicated on the basis of previous enmity. He further submits that the seizure witnesses have turned hostile and the offence is triable by Magistrate. He submits that as the applicants are in custody since 05.06.2019 and trial is likely to take some time for its final disposal, they may be released on bail.
5. On the other hand, counsel for the State opposes the bail application.
6. Considering the facts and circumstances of the case, particularly considering that the seizure witnesses have turned hostile, and the applicants are in custody since 05.06.2019, I am of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. 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.
8. Certified copy, as per rules.

Sd/

(Rajani Dubey)
JUDGE