

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9973 of 2018**

1. Mirchand S/o Antej Sheikh Aged About 40 Years R/o Gabgachhi, Police Station Suti, District Musidabad, Present Address - Chhatamuda, Turkumuda, Police Station Jute Mill, Tahsil and District - Raigarh, Chhattisgarh.
2. Lal Mohammad S/o Iainal, Aged About 28 Years R/o Madna, Police Station Suti, District Musidabad, Present Address - Chhatamuda, Turkumuda, Police Station Jute Mill, Tahsil and District - Raigarh, Chhattisgarh.

---- Applicants**Versus**

- State of Chhattisgarh Through Police Station Tamnar, District - Raigarh, Chhattisgarh.

---- Respondent

For Applicants	: Shri Ashutosh Mishra, Advocate.
For Respondent/State	: Shri K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**04/02/2019**

1. The Applicant have preferred their first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 255/2018, registered at Police Station – Tamnar, District- Raigarh, (C.G.) for the offence punishable under Section 457, 380 of the Indian Penal Code.
2. As per the prosecution story, Complainant Rashmi Raj Mishra lodged a report in the police station wherein it has been stated that in the intervening night of 20.10.2018 at about 2:00 am, some unknown persons entered into the house of the Complainant and stole gold chain, one micromax mobile and one motorcycle bearing registration no. CG-13-X-9986. On the basis of the said, offence has been registered against the present Applicants. During course of investigation, said motorcycle has been seized from the possession of

the Applicant No. 01 namely Mirchand and key of the said motorcycle has been seized from the possession of Applicant No. 02 namely Lal Mohammad. They have been taken into custody since 12.11.2018.

3. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He further submits that the main accused who have stolen the said articles has already been granted bail. The Applicants are in custody since 12.11.2018 and trial will take some time. Therefore, they may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application and submits that both the Applicants are resident of West Bengal.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicants are in custody since 12.11.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicants shall be released on bail on each of them furnishing personal bond for a sum of Rs. 1,00,000/- with two local sureties each of 50,000/- to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge