

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 70 of 2020**

1. Damru Kashyap S/o Late Shree Dwarika Prasad Kashyap Aged About 46 Years R/o Ward No. 14, Kanhaiband, Police Station Naila, District Janjgir-Champa, Chhattisgarh.
2. Banshidhar Kashyap S/o Late Shree Dwarika Prasad Kashyap Aged About 35 Years R/o Ward No. 14, Kanhaiband, Police Station Naila, District Janjgir-Champa, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through- Railway Security Force Champa, Railway Post Champa, District- Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Jeet Patel, Adv.
For Respondent/State	:	Mr. Akhtar Hussain, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13/02/2020**

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. 17/2019 registered at Police Station-Champa, District-Janjgir-Champa (C.G.) for the offence punishable under Section 3(A) of R.P. (U.P.) Act.
2. The prosecution story, in brief is that, on 14.12.2019 at about 23:00 O'clock the sub-inspector and other staffs of Railway Security Force Champa were sent for secret investigation and on 15.12.2019 at about 2 O'clock at night the staffs were seen that two persons taken some heavy things. Both are caught and identified as the present applicant and seized 5-5 pieces pendral clip (Jalebinuma iron article) and 15-15 Kg raw coal from the possession of the present applicants. 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 applicants are in jail since 15.12.2019, 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 applicants are in jail since 15.12.2019 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. 50,000/- 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**