

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8027 of 2019**

- Sani, S/o Dwarika Manikpur, Aged About 24 Years, R/o Purani Basti Kota, Police Station- Kota, District- Bilaspur Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through The Station House Officer, Police Station- Kota, District- Bilaspur Chhattisgarh.

---- Respondent**With****MCRC No. 85 of 2020**

1. Mahesh Kumar, S/o Bhagatram Dhritlahre, Aged About 23 Years, R/o Village Mandar (B), Post Bansakra, Police Station & Tahsil Simga, District- Balodabazar Bhatapara Chhattisgarh.
2. Preet Kumar, S/o Jhaduram, Aged About 42 Years, R/o Village Mandar (B), Post Bansakra, Police Station & Tahsil Simga, District- Balodabazar Bhatapara Chhattisgarh.
3. Bhagirathi @ Sanju, S/o Ramprasad Dhritlahre, Aged About 29 Years, R/o Village Mandar (B), Post Bansakra, Police Station & Tahsil Simga, District- Balodabazar Bhatapara Chhattisgarh.

---- Applicants**Versus**

- State of Chhattisgarh Through: Station House Officer, Police Station- Kota, District- Bilaspur Chhattisgarh.

---- Respondent

For Applicants	: Ms. S. Durga Sarni, Adv. on behalf of Mr. Rajeev Kumar Dubey, Adv. in MCRC No. 8027/2019 Mr. Bharat Rajput, Adv. in MCRC No. 85/2020
For Respondent/State	: Mr. B. L. Sahu, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06.03.2020**

1. As both MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
2. 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. 539/2019 registered at Police Station- Kota, District- Bilaspur (C.G.) for the offence punishable under Sections 392, 323, 435 & 120-B of I.P.C.
3. The prosecution story, in brief is that, it has been alleged that on 13.11.2019, the present applicants along with other accused persons looted the liquor transporting in the Truck No. C.G.-11-AS-9004 by assaulting the truck driver and kept the liquor in other place and burnt the truck. Thereafter, offence has been registered against the present applicants. During course of investigation, the present applicants have been arrested.
4. Learned counsels for the applicants submit that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that offence has been triable by Judicial Magistrate First Class. The applicant named Sani is in jail since 14.11.2019 and the applicants named Mahesh Kumar, Preet Kumar and Bhagirathi are in jail since 18.11.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
5. On the other hand, counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicants and further considering the facts that offence has been triable by Judicial Magistrate First Class, 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.

8. 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**

Ruchi