

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 33 of 2020**

1. Shri Harwansh Gond, S/o Shri Hiralal Gond, Aged About 30 Years, R/o Shivanagar, Rungara, Police Station -Balconagar, and Tahsil & District - Korba Chhattisgarh.
2. Sahil Thapa, S/o Shri Phul Bahadur Thapa, Aged About 26 Years, R/o Shivanagar, Rungara, Police Station - Balconagar, and Tahsil & District - Korba Chhattisgarh.
3. Amit Kumar Gond, S/o Shri Vidyasagar Gond, Aged About 31 Years, R/o Shivanagar, Rungara, Police Station -Balconagar, and Tahsil & District - Korba Chhattisgarh.

---- Applicants**Versus**

- State of Chhattisgarh, Through: Station House Officer, Police of Police Station - Balconagar & District - Korba Chhattisgarh.

---- Respondent**with****MCRC No. 319 of 2020**

- Rajesh Kumar Rathour, S/o Shri Sitaram Rathour, Aged About 29 Years, R/o 248, Ward No. 42, Shiv Nagar, Rungara Balco Nagar, Korba, Tahsil and District- Korba, Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh, Through: Station House Officer, Police Station- Balco, District- Korba, Chhattisgarh.

---- Respondent

For Applicants

: Mr. Ashutosh Shukla, Adv.
in MCRC No. 33/2020
Mr. Soumitra Kesharwani, Adv.
in MCRC No. 319/2020

For Respondent/State

: Ms. Reena Singh, P.L.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

13.02.2020

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. 596/2019 registered at Police Station-Balconagar, District- Korba, (C.G.) for the offence punishable under Section 436/34 of I.P.C.
3. The prosecution story, in brief is that, the complainant lodged a report with an allegation that on 10.12.2019, when he went by his pick-up vehicle in which he had loaded chips and kurkure, the applicants and other co-accused persons restrained him but he escaped from the spot and thereafter he parked the aforesaid vehicle in front of his home and went for to take meal but he was suspected that the applicants and other co-accused persons might damage his vehicle, when he returned back, he saw that the applicants and other co-accused persons have set fire to his vehicle and run away, as a result of which chips and kurkure amounting of Rs. 2,00,000/- has been damaged. Thereafter, offence has been registered against the present applicants and have been arrested.
4. 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 charge-sheet has already been filed. The applicants are in jail since 11.12.2019, 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 charge-sheet has already been filed and as 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**