

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7369 of 2019**

1. Kaushal Gajendra, S/o Shri Uday Ram Gajendra, Aged About 28 Years, R/o Torla, Police Station - Patewa, Tahsil & District - Mahasamund Chhattisgarh.
2. Kamdev Dhiwar, S/o Vishwanath Dhiwar, Aged About 32 Years, R/o Bhathapara Achhola, Police Station - Tumgaon, Tahsil & District - Mahasamund Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station - Tumgaon, Civil & Revenue District - Mahasamund Chhattisgarh.

---- Respondent

with**MCRC No. 112 of 2020**

- Umendra Kumar Sahu, S/o Late Narayan Sahu, Aged About 38 Years, R/o Village Chaprid, Police Station Arang, Tahsil Arang, District- Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through: Station House Officer, Police Station Tumgaon, District Mahasamund Chhattisgarh.

---- Respondent

with**MCRC No. 7434 of 2019**

- Lekhram Banjare, S/o Shri Kartik Ram Banjare, Aged About 36 Years, R/o Village Joba, PS Tumgaon, Tahsil & District Mahasamund Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through The Station House Officer, Police Station Tumgaon, District- Mahasamund Chhattisgarh.

---- Respondent

For Applicants	: Shri Sunil Sahu, Adv. in MCRC No. 7369/2019 Shri C.R. Sahu, Adv. in MCRC No. 112/2020 Shri B.D. Guru, Adv. in MCRC No.7434/2019
For Respondent/State	: Shri Akhtar Hussain, P.L.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

13.01.2020

1. As all three 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. 191/2019 registered at Police Station- Tumgaon, District- Mahasamund (C.G.) for the offence punishable under Section 406, 468 r/w 34 of I.P.C.
3. The prosecution story, in brief is that, since 01.04.2019 to 30.09.2019 the country made liquor shop Acchola was running by the Eagle Hunter Solution Pvt. Ltd. under the authority of Chhattisgarh State Corporation Limited Raipur and on 01.10.2019 the new company was authorized i.e. Alert Commandos at that time the stock was physically verified and the stock of Rs. 2,54,64,480/- liquor was found less and some correction also found in the stock register. Thereafter, offence has been registered against the present applicants.
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 they are not main accused and other co-accused has been granted bail in MCRC No. 7481/2019. So, the present applicants may also be granted benefit of bail. The applicants named Kaushal Gajendra, Kamdev Dhiwar and Lekhram Banjare are in jail since 26.10.2019 and the applicant named Umendra Kumar Sahu is in jail since 22.12.2019, 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 they are not main accused and other co-accused has been granted bail in MCRC No. 7481/2019 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. 25,000/- 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**