

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1016 of 2020**

- Mantu Prasad Alias Lambu S/o Late Rehu Prasad Aged About 46 Years R/o Karmanichauk, Dhawalpura, Police Station Bypass, District Patna, Bihar.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : The Police Station GRP Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent**MCRC No. 2064 of 2020**

- Sanjay Nat Rathore S/o Late Girdhari @ Baleshwar Rathore Aged About 36 Years R/o Dhimri Bakhtiarapur P.S. Bakhtiarapur District Patna, Bihar.

---- Applicant**Versus**

- State Of Chhattisgarh, Through - SHO G.R.P. Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. S. S. Baghel, Adv. in MCRC No. 1016/2020. Mr. Dheerendra Pandey, Adv. in MCRC No. 2064/2020.
For Respondent/State	:	Mr. Raghvendra Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28/05/2020**

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 these first bail applications under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 02/2020 registered at Police Station GRP Bilaspur, District-Bilaspur (C.G.) for the offence punishable under Section 380 of IPC.

3. The prosecution story, in brief is that, on 05.12.2019 complainant A.K. Panda was travelling in train No. 20813 on seat No. S-6-52. The complainant lodged a report for theft of one trolley bag in which bag have golden ornaments of total cost of Rs. 1,76,000/-. During investigation on the basis of CCTV Footage the present applicant Sanjay Nat Rathore has arrested, and recorded his memorandum statement in which he stated that they have theft 3 trolly bags on the same date of incident along with the applicant Mantu and other co-accused persons. Based on this offence has been registered against the present applicants and other co-accused persons.
4. Learned counsels for the applicants submit that the applicants are innocent and have been falsely implicated in the crime in question. They further submit that the applicant Mantu Prasad alias Lambu is in jail since 22.01.2020 and the applicant Sanjay Nat Rathore is in jail since 14.02.2020, 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 applicants and further considering the facts that the applicants are in jail since 22.01.2020 & 14.02.2020, 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 applications are 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.
9. It is made clear that if the applicants have already been

released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), they need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if they have not furnished the bail bonds earlier, then they shall be required to furnish bail bonds within four weeks from today.

**Sd/-
(Rajani Dubey)
Judge**

H.L. Sahu