

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5156 of 2020**

1. Rajesha Yadav, S/o lage Jaggu Yadav, Aged About 32 Years, R/o Village- Chhindwada, Police Station- Darbha, Presently R/o Near Sun City, Atal Awas, P.S.- Kotwali, Jagdalpur, District- Bastar Chhattisgarh.
2. Durgesh Goutam, S/o Shri Sahebnath Goutam, Aged About 27 Years, R/o Ambedkar, Ward No. 29, Police Station- Bodhghat, Jagdalpur, District- Bastar Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through: Station House Officer, Police Station - Kondagaon, District - Kondagaon Chhattisgarh.

---- Respondent

For Applicants	: Mr. Ashutosh Shukla, Adv.
For Respondent/State	: Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21.09.2020**

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. 200/2019 registered at Police Station- Kondagaon, District - Kondagaon (C.G.) for the offence punishable under Sections 457, 380, 411/34 of IPC.
2. The prosecution story, in brief is that, complainant lodged a report alleging that on 18.05.2019, some unknown persons committed a theft of golden and silver ornaments and cash of Rs. 4 lacs from the house of the complainant. Thereafter, 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 charge-sheet has already been filed. He next submits that there are three cases of same nature have been registered against the present applicants in which they have been granted bail in MCRC Nos. 4677/2020 & 4380/2020 by this Hon'ble Court. The applicants are in jail since 27.05.2019, 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 and the submission made in this respect. It is submitted that the offence committed by the present applicants is of serious in nature, therefore, no case is made out for grant of bail.
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, and further considering the facts that charge-sheet has already been filed. He next submits that there are three cases of same nature have been registered against the present applicants in which they have been granted bail in MCRC Nos. 4677/2020 & 4380/2020 by this Hon'ble Court. The applicants are in jail since 27.05.2019, 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**