

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4380 of 2020**

1. Rajesha Yadav, son of late Jaggu Yadav, aged about 32 year resident of village Chhindawada, P.S. Darbha, presently resident of near Sun City, Atal Awas, P.S. Kotwali, Jagdalpur, District Bastar Chhattisgarh.
2. Durgesh Goutam son of Shri Sahebnath Goutam, aged about 27 years, resident of Ambedkar Ward No. 29 P. S. 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, Advocate.
For Respondent	:	Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****18.08.2020**

- The accused/applicants have moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 40/2019 registered at Police Station – Kondagaon, District Kondagaon Chhattisgarh. (C.G.) for the offence punishable under Sections 457, 380, 411/34 of the IPC.
- The allegation against the applicants, as per the prosecution case, is that they have committed theft of Rs. 15,00,000/- cash and some golden and silver ornaments from the house of the complainant. Based on that, after investigation, offence has been registered against the applicants and they have been arrested.
- Learned counsel for the applicants submits that the

applicants are innocent and have been falsely implicated in the case. He further submits that nothing has been seized from the possession of applicants, they have been arrested only on the basis of memorandum. He next added in his submission that the applicants are in jail since 27.05.2019 and they are ready to furnish adequate surety and shall abide by all the directions and conditions imposed upon them by the Court, therefore, the present applicants may also be granted bail.

- On the other hand, counsel for the State strongly opposes the bail application.
- I have heard learned counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicants, 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.
- 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 said Court on each and every date given to them by the said Court.

Sd/-
(Rajani Dubey)
Judge