

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4527 of 2020**

1. Lakeshwar Yadav S/o Tarju Yadav aged about 22 years R/o Village Pandripani, Police Station Basna, District-Mahasamund, Chhattisgarh.
2. Dhansay Bariha S/o Hemlal Bariha aged about 21 years R/o Village Chanat, Police Station Basna, District-Mahasamund, Chhattisgarh.
3. Dilip Yadav S/o Tarachand Yadav aged about 28 years, R/o Village Limdarha, Police Station Basna, District-Mahasamund, Chhattisgarh.

---- Applicants**Versus**

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

---- Respondent

For Applicants	:	Mr. Anil Gulati, Adv.
For Respondent/State	:	Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****26/08/2020**

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. 20/2020 registered at Police Station-Basna, District-Mahasamund (C.G.) for the offence punishable under Sections 392, 397, 459, 120-B of IPC and 25, 27 of the Arms Act.
2. As per prosecution case it is alleged that on the date of incident the applicants looted the amount from the liquor shop showing the pistol to the salesman of the shop. Based on this offence has been registered against the present applicants. Present applicants has been taken into custody on 13.01.2020.

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 false seizure memo has been prepared by the police in order to rope the applicants in the criminal case and the applicants are hopeful regarding this fact that they would be acquitted from the allegations of this case. He next submits that the applicants are in jail since 13.01.2020, 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 submitting that the allegation against the applicants is serious, in nature, and there is a seizure of pistol from the applicants. The applicant Lakeshwar Yadav is a habitual offender and the other applicants are actively assist to the Lakeshwar Yadav, therefore, it is not a fit case to release them on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release them on bail.
7. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge