

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5097 of 2020**

- Jonsan Masih S/o Xavier Masih Age 28 years, R/o Atal Avas, Makan No. 198 P.S. Jamul, Near Hall Mukam Church Khursipar, Bhilai, P.S. Jamul, Durg (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station - Civil Lines, District Raipur Chhattisgarh.

---- Respondent**With****MCRC No. 5197 of 2020**

- Shankar Markandey S/o Kamal Singh Markandey, Age 28 years, R/o Near Public Convenience, Jamul, P.S. Jamul, District Durg (C.G.)

--- Applicant**Versus**

- State of Chhattisgarh, through SHO, P.S. Civil Lines, District Raipur (C.G.)

--- Respondent

For Applicants	:	Mr. Aman Pandey, Advocate.
For Respondent	:	Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28.08.2020**

- Heard.
- Admit.
- The accused/applicants have moved their first bail applications under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 515/2019 registered at Police Station - Civil Lines, District Raipur (C.G.) for the offence punishable under Sections 379/34 of the IPC.

- As per the prosecution case, the allegation against the applicants is that they have stolen cash of Rs. 50,000/- of the complainant from an Auto. 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 there is more than 24 hours delay in lodging the FIR which creates serious doubt about the prosecution. He further submits that the charge-sheet has been filed and the applicants are in jail since 09.01.2020 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 submitting that as per seizure memo, Rs. 2,600/- and Rs. 2,000/- from the applicant No. 1 & 2 respectively, therefore, they may not be granted bail.
- 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 applications are 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