

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.5887 of 2020**

1. Rajmal S/o Sheku Aged About 28 Years Resident Of Tadvī , Village Poha, Police Station Udaygarh, District Alirajpur Madhya Pradesh., Madhya Pradesh
2. Bharat Bhuriya S/o Shekumam Aged About 24 Years Resident Of Kedar Faliya , Village Chhoti , Jamali, Police Station Udaygarh, District Alirajpur Madhya Pradesh., Madhya Pradesh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Vidhan Sabha, Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent**MCRC No.6463 of 2020**

- Belsingh S/o Jhaitu Aged About 28 Years Resident Of Thandla, Police Station Udaygarh, District Alirajpur Madhya Pradesh., District : Alirajpur, Madhya Pradesh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer , Police Station Vidhan Sabha , Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicants : Shri S. P. Sahu, Advocates
 For Respondent/State: Shri Ravish Verma, GA

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****20/10/2020**

1. This common order shall govern disposal of M.C.R.C.No.5887 & 6463 of 2020 as both bail applications arise out of the same crime number.
2. The applicants have moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.210/2019 registered at Police Station Vidhan Sabha, Raipur, District Raipur for the offence punishable under Section 457 & 380 of the IPC. The applicants were

arrested on 17-12-2019.

3. Prosecution case is that the applicants committed theft of cash and jewellery total valued about Rs.1,50,000/-.

4. Learned counsel for the applicants would argue that against the applicants, the Police has made out number of false criminal cases of theft, whereas, the applicants were not involved in the alleged theft and seizure from the applicants are also false and fabricated. It is further submitted that the applicants are in jail since 17.12.2019 and investigation is complete, charge-sheet has been filed, therefore, at this stage, they may be granted bail.

5. On the other hand, learned State counsel opposes the prayer for grant of bail and submits that prima facie case is made out against the applicants, because from the possession of them, various stolen articles have been seized. He would further submit that the applicants are habitual offender and against them as many as 11 cases of similar nature have been registered as also on the basis of their memorandum, it is found that they were involved in number of theft cases.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature of offence and value of the stolen articles and further considering that investigation is complete, charge-sheet has been filed and the applicants are in jail since 17.12.2019, it is a fit case for grant of bail.

7. Accordingly, the bail applications (M.Cr.C.Nos.5887 & 6463 of 2020) are allowed. It is directed that the applicants shall be released on bail, on each of them furnishing a personal bond in the sum of Rs.25,000/- with two local sureties for the like amount to the satisfaction of the Trial Court on the condition that-

(a) They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

(b) The applicants shall not in any manner, tamper with the prosecution witnesses.

(c) If the applicants are found involved in the similar offences in future, it would be open for the State to apply for the cancellation of bail.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Judge