

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7112 of 2019**

1. Bhuarya Patel S/o Hemant Patel, aged about 19 years, R/o village Sankra Tikrapara, Police Station Sihawa, District Dhamtari (C.G.)
2. Laxman Gosai S/o Jivanlal Gosai, aged about 18 years and 8 months, R/o village Sankra Tikrapara, Police Station Sihawa, District Dhamtari (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station Sihawa, District Dhamtari (C.G.)

---- Respondent

For Applicant	:	Shri Kunal Das, Adv.
For Respondent	:	Shri B.L. Sahu, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****02/01/2020**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.69/2019, registered at Police Station - Sihawa, District Dhamtari (C.G.) for the offence punishable under Sections 457, 380 and 34 IPC.
2. The allegation against the present applicants is that they committed theft of computer, Laptop, silver ornament (Bichiya), mobile and cash of Rs.49,000/- from the house of complainant.
3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that witnesses to seizure memo have not supported the case of the prosecution and turned

hostile. He also submits that the applicants are in custody since 12.08.2019, charge sheet has been filed and there is no likelihood of their case being decided in near future. Therefore, they may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application. Learned State counsel submits that the applicants have no criminal antecedent.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicants have no criminal antecedent, the applicants are in custody since 12.08.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicants shall be released on bail on their executing a personal bond for a sum of Rs.50,000/- each with one solvent surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge