

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7799 of 2019**

1. Omprakash, S/o late Mahaveer Chodhri, aged about 60 years, resident of village Rajeemnagar, Durg, District Durg, (C.G.)
2. Sanjay Sah S/o Ramshowaroop Sah, aged about 35 years, R/o Ghanshidas Nagar, Bhilai, District Durg (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Sargaon, District Mungeli (C.G.)

---- Respondent

For Applicants	:	Shri Amit Kumar Sahu, Adv.
For Respondent	:	Shri B.L. Sahu, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****07/01/2020**

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.312/2019, registered at Police Station - Sargaon, District Mungeli (C.G.) for the offence punishable under Sections 379, 34 and 411 IPC.
2. The allegation against the present applicants is that they first committed theft of 23.100 and 22.960 metric ton coal from Balaji Factory, Durg and sold it in Sargaon. Prima-facie, it appears that coal of Rs.1,00,000/- was sold for Rs.5,000/-.
3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that only on the basis of suspicion the applicants have been arrested. He also submits that the applicants are in custody since 04.11.2019, the

offence is triable by Magistrate 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.
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, nature of offence and further considering the fact that the applicants are in custody since 04.11.2019, the offence is triable by Magistrate 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 local 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