

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8268 of 2019**

1. Sanjay Basor, aged about 23 years, S/o Pannelal Basor, residence of Village – Mahewa, P.S. Basantpur, District – Balrampur – Ramanujganj (C.G.)
2. Ramashankar, S/o Rajendra Basor, aged about 26 years, residence of Karkachi, P.S. Babhni, District – Sonbhadra (U.P.)

---- Applicants**Versus**

State of Chhattisgarh, Through Police Station Basantpur, Distt: Balrampur-Ramanujganj (C.G.)

----Non-applicant

For Applicant : Ms. Varsha Sharma, Advocate.
 For Non-applicant/State : Mr. Akhtar Hussain, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****10/02/2020**

- (1) The accused/applicants have preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 121/2019 registered at police Station Basantpur, Distt: Balrampur – Ramanujganj (C.G.) for the offence punishable under Sections 457 & 380 of the Indian Penal Code.
- (2) Case of the prosecution, in nutshell, is that in the intervening night of 29/30.07.2019 some unknown persons, after breaking the lock of the shop of complainant namely Suresh Kumar, entered into the shop and committed the offence of theft with dishonest intention regarding lap-top, mobile sets and thereby committed the aforesaid offences.
- (3) Counsel for the applicants submits that applicants have been falsely implicated in the offence in question as there is no evidence available on record to connect the applicants

with the crime in question. She further submits that applicants are in detention since 13.08.2019 & 03.09.2019, respectively; charge sheet has already been filed and the memorandum seizure witness has not supported the prosecution case and has turned hostile and, therefore, the applicants should be enlarged on bail.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; particularly the facts applicants are in detention since 13.08.2019 & 03.09.2019, respectively; charge sheet has already been filed; memorandum seizure witness has not supported the case of the prosecution and has turned hostile and 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 application is allowed.

(6) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs. 50,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

D/-

