

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 40 of 2021**

1. Rekhallal Pardhi s/o. Chainlal Pardhi, aged about 40 years r/o. Piparbhattha, PS, Tahsil and District Bemetara (CG).
2. Rajesh @ Khanna s/o. Bisahu Pardhi, aged about 34 years r/o. Piparbhattha, PS, Tahsil and District Bemetara (CG).

---Applicants.

Vs.

- State of Chhattisgarh through Station House Officer, PS Bemetara, District Bemetar, (CG). --Non-applicant

For Applicants	:	Mr. Amit Kumar Sahu, Advocate.
For State	:	Mr. Vimlesh Bajpai, Dy. Govt. Advocate

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****8-2-2021**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as they are in jail since 25-11-2020 in connection with Crime No. 729 of 2020 registered at Police Station Bemetara, District Bemetara (CG) for the offence punishable under Sections 379, 34 of IPC.
2. Case of the prosecution, in brief, is that the complainant lodged a report in Police Station stating therein that on 19-11-2020 and 20-11-2020 unknown persons theft 25 bags of paddy about 10 quintals value of Rs.18,500/- from his crop circle and on the basis of report, offence was registered and during investigation it was

found that the present applicants committed the aforesaid offence.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case, the offence is triable by the Magistrate. He would further submit that only on the basis of suspicion, present applicants have been arrested, except present one, they have no other criminal antecedents, they are in jail since 25-11-2020 and conclusion of the trial is likely to take some time, therefore they may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the present applicants have no other criminal antecedents.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the fact that the offence is triable by the Magistrate, detention period of the applicants, charge sheet has been filed, there is no likelihood of the applicant tampering with the evidence of absconding and the applicants have no other criminal antecedents as admitted by both the parties and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicants.
7. Accordingly, the application is allowed and it is directed that the applicants shall be released on bail on each of them executing a

personal bond for a sum of Rs. 50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court. They shall appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicants are being granted bail on the following conditions:

- i. they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such fact to the Court,
- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial,
- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial, and
- iv. they shall not involve themselves in any offence of similar nature in future.

Sd/-

(Gautam Chourdiya)
Judge

Raju