

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1208 of 2021

1. Rajmal S/o Sheku Aged About 28 Years R/o Tadv, Village Poha, Police Station Udaygarh, District Alirajpur Madhyapradesh, District : Alirajpur, Madhya Pradesh
2. Bharat Bhuriya S/o Shekuram Aged About 24 Years R/o Kedar Faliya, Village Chhoti, Jamali, Police Station Udaygarh, District Alirajpur Madhyapradesh, District : Alirajpur, Madhya Pradesh

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Mujgahan, Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicants	:	Shri S.P. Sahu, Advocate
For State	:	Shri B.P. Banjare, Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/06/2021

Heard.

1. The applicants are arrested in connection with Crime No.67/2019 registered in Police Station -Mujgahan, Raipur, District-Raipur (CG) for alleged commission of offence under Sections 457, 380 IPC.
2. This is the second bail application of the applicants. Their first bail application was dismissed on 20.10.2020.
3. Case of the prosecution, in brief, is that the applicants committed theft of gold, silver jewellery and cash, total amounting to Rs.4,40,000/- and from the possession of the applicants, recovery has also been made.

4. Learned counsel for applicants would argue that the applicants have been falsely implicated and false seizure has been made. He would submit that the applicants are in jail since 18.12.2019 and trial is not likely to be concluded early. Therefore, at this stage, the applicants may be granted bail with appropriate conditions. It is further submitted that though bail application of the applicants was rejected, similarly situated accused Belsingh has been granted bail vide order dated 16.10.2020 passed in MCRC No.6441 of 2020.
5. On the other hand, learned counsel for the State opposed the bail application by submitting that the applicant and co-accused are all involved in number of similar offences and if the applicants are granted bail, they are likely to misuse liberty.
6. Taking into consideration the submissions made by learned counsel for the respective parties, particularly taking into consideration the pre-trial detention and that the applicants are in jail since 18.12.2019 and trial has not been concluded, without commenting on merits of the case, at this stage, I am inclined to allow the application.
7. The application is accordingly allowed and 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/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court, with following further conditions that:-
 - (i) the applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) the applicants shall 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/-
(Manindra Mohan Shrivastava)
Judge