

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1473 of 2021**

1. Reklal Dhurve, S/o Suklal Dhurve, Aged About 23 Years, R/o Bhendra Navagaon, Police Station Surajpura, Tahsil-Salhewara, District- Kabirdham Chhattisgarh.
2. Vasudev, S/o Sudhari Sahu, Aged About 22 Years (Wrongly Mentioned As Surdhari Sahu In The Order Sheet) R/o Bhendra Navagaon, Police Station Surajpura, Tahsil-Salhewara, District- Kabirdham Chhattisgarh.
3. Ramsai Sahu, S/o Kushal Sahu, Aged About 23 Years, R/o Bhendra Navagaon, Police Station Surajpura, Tahsil-Salhewara, District- Kabirdham Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Mohgaon, District- Rajnandgaon, Chhattisgarh.

---- Respondent**With****MCRC No. 1554 of 2021**

1. Rafique Khan, S/o Gul Mohammad Aged About 36 Years Caste Musalman, Resident Of Village Bhimouri Tahsil Sahaspur, Lohara, District Kabirdham Chhattisgarh.
2. Nijam Ahamad Khan @ Raja, S/o Imamuddin Khan, Aged About 28 Years Resident Of Village Bhimouri Tahsil Sahaspur , Lohara, District Kabirdham Chhattisgarh.
3. Najeer Khan, S/o Sataruddin Khan, Aged About 38 Years, Resident Of Village Bhimouri Tahsil Sahaspur, Lohara, District Kabirdham Chhattisgarh.
4. Farhad Ali @ Bhakku Ali, S/o Barkat Ali, Aged About 20 Years, Resident Of Village Bhimouri Tahsil Sahaspur, Lohara, District Kabirdham Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Mohgaon, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicants : Mr. Abhishek Sharma, Adv.
in MCRC No. 1473/2021
Mr. Vivek Kumar Tripathi, Adv.
in MCRC No. 1554/2021

For Respondent/State : Ms. Fouzia Mirza, Additional Advocate
General

Hon'ble Smt. Justice Rajani Dubey

Order on Board

12.05.2021

1. The matter is heard through video conferencing.
2. As both MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
3. The accused/applicants have moved these bail applications under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 5/2021 registered at Police Station- Mohgaon, District Rajnandgaon (C.G.) for the offence punishable under Sections 379, 411, 34 of IPC.
4. The prosecution story, in brief is that, complainant lodged a report stating that on 08.02.2021, total 52 numbers of cattle were grazing when he returned then he found that 28 numbers of cattle were missing. Thereafter, offence has been registered against the present applicants.
5. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that charge-sheet has been filed and the applicants namely Rekhlal Dhurve, Vasudev and Ramsai Sahu are in jail since 09.02.2021 and the applicants namely Rafique Khan, Nijam Ahamad Khan @ Raja, Najeer Khan and Farhad Ali @ Bhakku Ali are in jail

since 08.02.2021, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.

6. On the other hand, counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the record.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the facts that charge-sheet has been filed and the detention period of the applicants, 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.
9. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local 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.

**Sd/-
(Rajani Dubey)
Vacation Judge**

Ruchi