

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7424 of 2021**

- Ganesh Kumar Bhaina S/o Kalyan Singh Bhaina Aged About 23 Years R/o Village Neosa, Kachharpara, Mohalla, P. S. Gourella, Tehsil Pendra Road, District Gourella-Pendra-Marwahi Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Gourella, Tehsil Pendra Road, District Gourella-Pendra-Marwahi Chhattisgarh

---- Non-applicant**MCRC No. 7642 of 2021**

- Bal Singh Bhaina S/o Umed Singh Bhaina Aged About 23 Years Caste Bhaina, R/o Village Neosa, Kachharpara Mohalla, P.S. Gourella. Tehsil Pendra Road, District - Gourella-Pendra-Marwahi(C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Gourella, District - Gourella-Pendra-Marwahi(C.G.)

---- Non-applicant

For Applicants	: Shri Ashok Soni, Advocate
For Non-applicant	: Shri S.K. Agrawal, Panel Lawyer

Hon'ble Shri Justice Narendra Kumar Vyas**Order On Board****01.11.2021**

1. Since, both the bail applications arise out of same crime number, they are heard analogously and are being disposed off by this common order.
2. These are first bail applications under Section 439 of the Cr.P.C. preferred by the applicants for grant of regular bail as they have been arrested in connection with crime No. 347/2021 registered at Police Station – Gourella, District Gourella – Pendra - Marwahi (C.G.) for the offence punishable under Section 379 of the I.P.C.

3. Case of the prosecution, in brief is that on 11.09.2021 complainant Gyan Singh made written complaint before police station – Gourella that on 07.09.2021 somebody has stolen the submersible pump from the back side of the field situated at the back side of his home. On the basis of the complaint, the police initiated enquiry after registering FIR bearing Crime No. 347/2021 and recorded memorandum statement of the accused person. The submersible pump was seized at the instance of applicant – Ganesh Kumar Bhaina from his house and cable wire was seized from possession of applicant – Bal Singh Bhaina.
4. Learned counsel for the applicants submits that the applicants have no criminal background. They are innocent and have been falsely implicated in the present case. The allegation made against them is baseless and fabricated. The police has taken their signature forcefully on the memorandum under threat. It is further submitted that the applicants are in jail since 12.09.2021 and trial will take for some time, therefore, the applicants may be released on bail.
5. On the other hand learned counsel for the State opposes the bail application.
6. Looking to the above facts and circumstances of the case without commenting anything on merits of the case, considering the fact that applicants are in jail since 12.09.2021, final report has not been submitted and trial may take some time, I am inclined to release the applicants on bail.
7. Accordingly, the bail applications are allowed. It is directed that on each of the applicants furnishing a personal bond of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court, they shall be released on bail. 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.
8. Certified copy today.

Sd/-

(Narendra Kumar Vyas)
JUDGE