

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7540 of 2021**

1. Shailesh (wrongly metnioned as Shailendra in the order sheet) Patel @ Dara, S/o Vijay Patel, aged about 19 years,

2. Bablu Patel, S/o Dinesh Patel, aged about 19 years,

Both are R/o Village – Samnapur, Post and Tahsil – Kawardha, District – Kabirdham (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through – District Magistrate, District Kabirdham (C.G.)

----Non-applicant

For Applicants	:	Mr. Dharmesh Shrivastava, Advocate.
For Non-applicant	:	Ms. Akshra Amit, Panel Lawyer.

Hon'ble Mr. Justice N.K. Chandravanshi**Order On Board**

22-11-2021

1. The accused/applicants have preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail in connection with Crime No. 27/2021 registered at Police Station Bhoramdev, District – Kabirdham for the commission of offence punishable under Sections 457, 380 & 34 of the Indian Penal Code.

2. Case of the prosecution, in brief, is that on 5.9.2021 some unknown persons broken the lock of shop of complainant - Ajay Gupta and stolen four mobiles and cash of Rs.3,500/- and thereby committed the aforesaid offences. Based on the above facts, present crime was registered against the unknown persons under Section 457 & 380 of the IPC. During course of investigation, applicants and other co-accused persons were caught red handed and on the basis of their memorandum, some cash amount and mobiles were recovered from their possession.

3. Learned counsel for the applicants would submit that applicant has falsely been implicated in the crime in question as the seizure made is false & fabricated. He would further submit that applicants are in detention since 07.09.2021; charge-sheet has been filed and as the applicants are permanent resident of District Kabirdham, therefore, there is no chance to influence the prosecution witnesses and absconding of the accused/applicants, thus, the applicants may be enlarged on bail.

4. Per contra, counsel for the State opposes the bail application.

5. Considering the facts & circumstances of the case, nature & gravity of the offence, particularly the detention period of the applicants; charge-sheet has already been filed and totality of the facts; I feel inclined to grant bail to the applicants. Accordingly, the bail application is allowed.

6. Accused/applicants are directed to be released on bail on each of them executing a personal bond for a sum of Rs.25,000/- 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/-

(N.K.Chandravanshi)
Judge

D/-

