

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7625 of 2021

1. Jaleshwar, S/o Krishna Sahu, Aged About 29 Years, R/o Village- Bagharra , Police Station- Lormi, District- Mungeli (C.G.)
2. Radhe, S/o Jugaru Sahu, Aged About 36 Years, R/o Village- Utka, Police Station- Pandariya, District- Kabirdham (C.G.)

--- Applicants

Versus

State of Chhattisgarh, Through: The District Magistrate Kawardha, District- Kabirdham (C.G.)

--- Respondent

For Applicants : Mrs. Mandavi Bhardwaj, Advocate on behalf of Mr. Chandrabhushan Kesharwani, Advocate.

For State/ Respondent : Mr. Avinash K. Mishra, Govt. Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

01/11/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No. 302/2021, registered at Police Station- Pandariya, District- Kabirdham (C.G.) for the offence punishable under Sections 457 & 380 of IPC.
2. Case of the prosecution in brief is that complainant- Deepak Kumar Sahu made written complaint that on 05.09.2021 stating that when he opened the shop, he found that after breaking lock of the shop, unknown persons theft 21 Kg. Nirma Washing Powder and Rs. 2580/- cash, which was kept in safe. On the basis of complaint, the police has registered the offence under Sections 457 & 380 of IPC. During investigation, the accused persons were arrested and seized Nirma Washing Powder and the amount from possession of the accused persons. It was also found that the accused persons have stolen Rs. 40,000/- cash along with 15 Liters oil before six

months from the same shop, for which offence under Sections 457 & 380 of IPC was also registered as Crime No. 69/2021.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case, there is no evidence to connect them with crime in question. It is further submitted that the applicants are in jail since 08.09.2021 and trial will take for some time, therefore, they be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application submitting that there is clear allegation against these applicants regarding commission of offence. Hence, the application for grant of bail may be rejected.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considered the submissions and the fact that the charge-sheet has already been filed, the case is pending for trial, the applicants are in jail since 08.09.2021 and conclusion of trial may take some time and without further commenting 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 bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on each of them furnishing a personal bond for a sum of Rs. 25,000/- each with one surety each for the like amount 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.

Certified copy today.

Sd/-
(Narendra Kumar Vyas)
Judge