

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7791 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. 69/2021, 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 06.09.2021 stating that when he opened the shop, he found that some unknown persons entered in his shop during intervening night and theft Rs. 40,000/- along with one teen gold Soyabin Oil worth Rs. 2,000/-.
3. Learned counsel for the applicants submits that they have been falsely implicated in this case. Complainant- Deepak Kumar Sahu and the present applicants are relatives and dispute with regard to property is going on between the parties. The document B-1 Kishtabandi Khatouni has also been filed in this bail application. It

is further submitted that the applicants are in jail since 08.09.2021 and trial will take for some time, therefore, the applicants may be enlarged 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 final report has already been filed, the case is pending for trial, 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 bail 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