

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8632 of 2020**

- Kailash @ Bhupesh Dubey, S/o Shri Haldhar Prasad Dubey, Aged About 22 Years, R/o Village Belsari, Police Station- Phasterpur, District- Mungeli Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Gudhiyari, District Raipur Chhattisgarh.

---- Respondent**With****MCRC No. 8669 of 2020**

- Sharad Tiwari @ Piyush, S/o Karuna Shankar Tiwari, Aged About 25 Years, R/o Village Lawatara Police Station & Tahsil Berla, District- Bemetara Chhattisgarh Presently Residence Bajrang Nagar Thana Urla District Raipur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Gudiyari, District Raipur Chhattisgarh.

---- Respondent

For Applicants	: Mr. A.K. Yadav, Adv. in MCRC No. 8632/2020 Mr. Vivek Kumar Tripathi, Adv. in MCRC No. 8669/2020
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For Respondent/State	: Ms. Ishwari Ghritlahre, P.L.
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Hon'ble Smt. Justice Rajani Dubey**Order on Board****01.04.2021**

1. As both MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
2. 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. 181/2020 registered at Police Station- Gudiyari, District Raipur (C.G.) for the offence punishable under Section 392 of IPC.

3. The prosecution story, in brief is that, it has been alleged that present applicants committed loot of one mobile phone amounting to Rs. 14,000/- from the complainant. Thereafter, offence has been registered against the present applicants.
4. 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 there is no previous criminal record has been registered against the applicants. He next submits that applicants namely Kailash @ Bhupesh Dubey is in jail since 19.10.2020 and the applicant namely Sharad Tiwari @ Piyush is in jail since 20.10.2020, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
5. On the other hand, counsel for the State opposes the bail application submitting that one motorcycle has been seized from the possession of the applicants and the offence committed by the applicants is of serious in nature, therefore, no case is made out to release them on bail.
6. I have heard learned counsel for the parties and perused the record.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the facts that there is no previous criminal record has been registered against the applicants 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.

8. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- 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)
Judge**

Ruchi