

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8925 of 2020

1. Deepak Singh And Another S/o Kumar Singh Aged About 35 Years
R/o Village Kudumkela P.S. And Tahsil Gharghoda District Raigarh
Chhattisgarh, District : Raigarh, Chhattisgarh
2. Pawan Chauhan S/o Gurbaru Chauhan Aged About 20 Years R/o
Bangaon Chowky Kotba Ps Bagbahara District Jashpur Chhattisgarh.,
District : Jashpur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Officer-In-Charge Police Station
Batauli, District Surguja Chhattisgarh., District : Surguja (Ambikapur),
Chhattisgarh.

---- Respondent

For Applicants	: Shri Ashutosh Mishra, Advocate
For Respondent/State	: Shri Dinesh Tiwari, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

08.01.2021

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 on 18.09.2020 in connection with Crime No.76/2020, at Police Station- Batauli , District- Surguja (C.G.) for the offence punishable under Section 457, 380, 34 of I.P.C.
2. As per prosecution, on 18.08.2020 a written report was lodged by the complainant that in the intervening night some unknown person have committed theft of 48 batteries from the mobile tower during investigation, the accused/applicants were taken into custody were have admitted theft of batteries and on their memorandum the batteries were seized.
3. Learned counsel for the applicant submits that the allegations against the applicants are false and fabricated, they are falsely implicated in the case. He submits that applicants/accused is in jail since 18.09.2020 and the applicants have no criminal antecedents and

conclusion of the trial is likely to take some time, therefore, at this stage, they may be granted bail.

4. On the other hand, learned State Counsel opposes prayer for grant of bail. He further submits that the applicants have no criminal antecedents.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation and detention period of the applicants and the fact that the applicants have no criminal antecedents as admitted by both the counsel and conclusion of the trial is likely to take some time, therefore, the application is allowed. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each 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.
6. It is made clear that the applicants shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Gautam Chourdiya)
Judge

Nadim