

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9155 of 2020**

- Mohd. Aashif S/o Mohd. Imran Khan Aged About 23 Years R/o Indira Nagar Raigarh, District Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Thana In-Charge, Ps City Kotwali, District Raigarh Chhattisgarh

---- Non-applicant

MCRC No. 9384 of 2020

- Ganesh Thethwar S/o Shri Vishnu Thethwar Aged About 18 Years (Wrongly Mentioned As 24 Years) R/o Beedpara, Raigarh, Police Station Kotwali, Tahsil And District Raigarh Chhattisgarh.,

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Of The Police Station City Kotwali , Tahsil And District Raigarh Chhattisgarh.,

---- Non-applicant

For Applicant in : Mr. Rajendra Tripathi, Advocate.
MCRC No.9155 of 2020

For Applicant in : Mr. Abhishek Saraf, Advocate
MCRC No.9384 of 2020

For State : Mr. Ajay Kumarin, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board**27-01-2021**

1. As both the aforesaid bail applications arise out of same crime number, they are heard analogously and are being disposed of by this common order.
2. The applicants have preferred these first bail applications under Section 439 of the Code of Criminal Procedure, 1973 for grant of

regular bail as they are in jail since 9-10-2020 in connection with Crime No. 737 of 2020 registered at Police Station City Kotwali, Tahsil and District Raigarh (CG) for the offence punishable under Section 457 and 380 of IPC.

3. The allegation against the present applicants is that on 6-10-2020 present applicants entered into the house of complainant namely Santosh Kumar Mishra and committed theft of gold and silver ornaments, mobile, watch and some cash which were kept in the almirah, thereby the aforesaid offence has been committed.
4. Learned counsel for the applicants submits that the applicants are innocent persons and have been falsely implicated in this case. He would further submit that there are no other criminal antecedents against the present applicants, and the offence is triable by the Magistrate. He would further submit that the charge-sheet has been filed, present applicants are in jail since 9-10-2020 and conclusion of the trial is likely to take some time, therefore they may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, nature of allegation leveled against the applicants, the age of the applicants, the detention period of the applicants, charge sheet has been filed, the applicants have no other criminal antecedents as admitted by both the counsel and fact that the conclusion of the trial is likely to take some time, offence is triable by the Magistrate, without commenting anything

on merits of the case, I am of the opinion that these are fit cases to grant bail to the applicants.

8. Accordingly, the applications are allowed and it is directed that the applicants shall be released on bail on each of them 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 appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicants are being granted bail on the following conditions:

- i. they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such fact to the Court,
- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- iv. they shall not involve themselves in any offence of similar nature in future.

Sd/-

(Gautam Chourdiya)
Judge

Raju