

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 437 of 2021

1. Basudev Nat, son of Manmohan Nat, aged about 40 years, R/o Village Jhakkadpur, Police Station Patthalgaon, District Jashpur (C.G.)
2. Ravi Kumar Karbal, son of Radheshyam Karbal, aged about 48 years, R/o Village Badgaon, Police Station Badgaron, District Varanasi (U.P.), at present R/o Village Jhakkadpur, Police Station Patthalgaon, District Jashpur (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through : The Station House Officer, Police of Police Station Basantpur, Police Chowki Wadrafnagar, District Balrampur-Ramanujganj (C.G.)

---- State/Non-applicant

For Applicants	:	Shri Anil Gulati, Advocate
For Respondent/State	:	Shri Vaibhav Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

25.02.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 18.10.2020 in connection with Crime No. 88/2020 registered in Police Station – Basantpur, Police Chowki Wadrafnagar, District Balrampur-Ramanujganj (CG) for the offence punishable under Section 379 of IPC.
2. Prosecution case in brief is that on 13.07.2020 at about 03:45 pm at Gandhi Chowk Waddrafnagar, the complainant's motorcycle was standing near a Seed-Shop in which Rs.40,000/- was kept in the Dicky of the motorcycle. Allegation against the present applicants is that they stole away the said amount from the Dicky of the motorcycle. Therefore, the offence was registered against the applicants in Police Station.
3. Learned counsel for the applicants submits that the applicants are the

innocent person and have been falsely implicated in the crime in question.

He also submits that the applicants are in jail since 18.10.2020, charge-sheet has already been filed and conclusion of the trial is likely to take some time, therefore, the applicants be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, particularly considering that earlier two offences of similar nature were registered against the applicants in Police Station Vishrampur under Crime Nos. 154/2020 & 163/2020 and present is the third offence, without expressing any opinion on merits of the case, this Court is of the opinion that present is not a fit case for releasing the applicants on bail. Accordingly, the application is rejected. It is made clear that if trial is not concluded within a period of six months from today, the applicants shall be at liberty to repeat their prayer for grant of bail.

Sd/-

(Gautam Chourdiya)
Judge