

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9598 of 2021**

1. Manish Toppo S/o Filmon Toppo Aged About 20 Years Resident of Village Sakardih, Tahsil Manora , District Jashpur Chhattisgarh.
2. Arbez S/o Prakash Aged About 21 Years Resident Of Village Sakardih, Tahsil Manora District Jashpur Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Sanna, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Non- Applicant

For Applicants	:	Mr. Anil S. Pandey, Advocate.
For Non-Applicant	:	Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Narendra Kumar Vyas, Judge
Order on Board

20.12.2021

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants for grant of regular bail as they have been arrested in connection with crime No. 94/2021 registered at Police Station – Sanna, District Jashpur (C.G.) for the offence punishable under Sections 457, 380, 34 of the Indian Penal Code.
2. Case of the prosecution, in brief is that on 15.11.2021 at about 11:00 PM, the applicants entered into the house of the complainant from roof side and stolen Rs. 10,000/- from her house. As per the materials collected during investigation, Rs.1000/- (2 notes of Rs.500/-) have been seized from each of the applicants.
3. Learned counsel for the applicants submits that the applicants have no criminal background. They are innocent and have been falsely implicated in the present case. The allegation made against them is

baseless and fabricated. It is further submitted that the applicants are in jail since 19.11.2021 and trial will take for some time, therefore, the applicants may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits since the amounts have been seized from the possession of the applicants, there is direct involvement of the applicants in commission of crime and hence, they are not entitled for grant of bail.
5. I have heard the learned counsel for the parties and perused the case diary.
6. Looking to the above facts and circumstances of the case without commenting anything on merits of the case, considering the fact that applicants are in jail since 19.11.2021, charge-sheet has not been submitted and trial may take some time, I am inclined to release the applicants on bail.
7. Accordingly, the bail application is allowed. It is directed that on each of the applicants furnishing a personal bond of Rs. 25,000/- with one surety in the like sum 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.
8. Certified copy as per rules.

Sd/-
(Narendra Kumar Vyas)
Judge