

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6438 of 2017

- Sandeep Khura S/o Shri Kueli Khura, Aged About 27 Years, R/o Village Gidmal, Thana Belpuda, Civil & Revenue District Balangir (Chhattisgarh)
- Purno Tandi S/o Shri Jagbandhu Tandi, Aged About 20 Years, R/o Village Gidmal, Thana Belpuda, Civil & Revenue District Balangir (Chhattisgarh)

---- Applicants

Versus

- State of Chhattisgarh Through the Station House Officer, Police Station Mahasamund, Civil & Revenue District Mahasamund, Chhattisgarh

---- Non-applicant

For Applicants – Shri Sunil Sahu, Advocate.

For Non-applicant/State – Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-12-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicants for regular bail. The applicants were arrested on 30-06-2017 in connection with Crime No.247/2017 registered at P.S. Mahasamund, District Mahasamund, C.G. for the offence under Section 457, 380 of the IPC.
2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 30-06-2017. No case is made out against them on the basis of prosecution documents. Hence, it is prayed that the applicants may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that as per the memorandum statement given by the applicants they have made

admission that they have committed six similar offences of theft, though on the basis of these admissions after investigation 4 offences were registered and the applicants are being prosecuted in four different cases before the courts concerned regarding the offences of house trespass and theft. Hence, the applicants are not entitled for grant of regular bail.

4. In reply, learned counsel for the applicants submits that out of 4 prosecution cases, the applicants have been granted bail by the lower Court in three cases, this is the only case in which the application has been rejected by the trial Court as well as by the Sessions Court

5. Heard learned counsel for both the parties and perused the case diary.

6. Complainant Pawan Kumar Dadsena lodged the FIR that ornaments of silver worth Rs.5000/- were stolen from his place of residence by unknown persons after breaking entry into the said household. During investigation one ornament silver *pajeb* has been recovered at the instance of the applicants, which has already been identified by the complainant, consequent to that the applicants are being prosecuted.

7. Considering on the submissions made and contents of the case diary, value of the article of theft and the facts that the applicants have been released on bail by the courts concerned in similar cases against them, trial of the case is likely to take some time, I am of the considered view that the applicants should be enlarged on bail in the present case.

8. Consequently, the application (MCRC No.6438/2017) filed under Section 439 of the Cr.P.C. by the applicants is hereby allowed. It is directed that the applicants shall be released on bail on each of them

furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge