

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 1252 of 2017**

1. Sonu Kumar Shah, S/o. Ravinder Shah, Aged About 21 Years, R/o. Village-Jamuniya, Post-Office & Police Station - Parbatta, District - Bhagalpur (Bihar)
2. Bhavesh Kumar Gupta, S/o. Parmanand, Aged About 28 Years, R/o. Village -Govindpur, Post Office & Police Station- Mahesh Khunt, District- Khagadiya (Bihar)

**----Applicants**

**Versus**

1. State Of Chhattisgarh, Through : The Station House Officer, Police Station - Devbhog, District - Gariyaband, Chhattisgarh.

**---- Respondent**

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For Applicants : Mr. Shivendu Pandya, Advocate

For Respondent/State : Mr. Neeraj Jain, Govt. Advocate

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**08/03/2017**

1. This is the second 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 in connection with Crime No.199/2016, registered at Police Station – Devbhog, District – Gariyaband (C.G.) for the offence punishable under Section 420, 201, 411/34 of the Indian Penal Code. The first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the victim vide order dated 03.01.2017 in M.Cr.C. No.8340/2016.
2. Case of the prosecution in brief is that a report was made that on 02.09.2016 the applicants came to the house of Vishwabihari Awasthi and projected themselves to be the sellers of some detergent powder, thereafter, they cleaned one copper utensils. Subsequently, daughter-

in-law of the complainant Manisha Awasthi gave Mangalsutra worth Rs.1,05,000/- and two ear top worth Rs.15,000/-, which was closed in a tiffin box with the powder in order to clean them and subsequently, the applicants got it heated. Subsequently, the ornaments were missing. Thereby the offence has been committed.

3. Learned counsel for the applicants would submit that this is second bail application. The first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the complainant vide order dated 03.01.2017. It is stated that the complainant has been examined and the compromise has been affected between the parties, therefore, the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard the learned counsel appearing on behalf of the parties.
6. Perused the statement of the victim. The statement was recorded on 23.01.2017, wherein positive allegations have been attributed. Though the application under Section 320 (2) of Cr.P.C. has been filed for compromise. Taking into such fact at this stage the disputed facts have come to fore, therefore, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

**Sd/-**  
**(Goutam Bhaduri)**  
Judge