

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 1236 of 2017**

Avinash S/o Ramesh Giri Goswami, Aged About 20 Years R/o  
Village Reta, Thana Dharsiwa, District Raipur, At Present R/o  
Housing Board Colony, House No. 07, Mahasamund, Thana Tahsil  
Mahasamund, Civil & Revenue District Mahasamund Chhattisgarh

**---- Applicant**

**Versus**

State Of Chhattisgarh Through Station House Officer, Police Of  
Police Station Kasdol, District Baloda Bazar Chhattisgarh

**---- Respondent**

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For applicant - Shri C.R. Sahu, Advocate.  
For Respondent/State – Shri Wasim Miyan, PL.

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order**

**21/03/2017**

1. This is third bail application under Section 439 of Cr.P.C. The first bail application was dismissed on 20/07/2016 vide M.Cr.C. No.3912 of 2016 and second bail application was dismissed on 18/10/2016 vide M.Cr.C. No.6317 of 2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 363/2015 registered in Police Station Kasdol, District-Baloda Bazar, Bhatapara (C.G.) for offence punishable under sections 454 &380/34 of Indian Penal Code.
3. As per the prosecution case, on 26/08/2015 a report was made by the complainant Akshay Kumar that on 25/08/2015 at about 1 to 3 pm some unknown persons entered into his house and committed theft of gold and silver ornaments including ATM card amounting to Rs.85,000/- and subsequently, the applicant was arrested in connection with another Crime No.148 of 2015 and on investigation it was found that the applicant

has also committed theft of ATM card and gold and silver ornaments belonging to the complainant which were seized from the applicant and same were identified by the complainant and thereby the aforesaid offence was committed.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case, both seizure witnesses PW-2 Bhramha Yadav and PW-3 Dharam Raj have been examined, they have not supported the case of the prosecution and the applicant is in jail since 14/01/2016, therefore the applicant may be released on bail.

5. Learned State counsel is not able to dispute the fact that both seizure witnesses PW-2 Bhramha Yadav and PW-3 Dharam Raj have been examined, they have not supported the case of the prosecution.

6. Considering the facts and circumstances of the case and also for the fact that both seizure witnesses PW-2 Bhramha Yadav and PW-3 Dharam Raj have been examined, they have not supported the case of the prosecution, applicant is in jail since 14/01/2016, without further observation on the merit, this court is inclined to release the applicant on bail.

7. Accordingly, the third bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE