

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 5022 of 2018

- Pathar Singh S/o Tulsingh Aged About 31 Years R/o Jamnimuda Post - Nunera, Thana- Pali District Korba Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Dipka, District Korba Chhattisgarh.

---- Respondent

For Applicant	: Shri Vikash Pandey, Advocate.
For Respondent/State	: Shri Bhaskar Pyashi, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

28/09/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 259/2018, registered at Police Station Dipka, District Bilaspur (C.G.) for the offence punishable under Section 395, 397 & 412 of the IPC (other offence 447, 353, 332 of the IPC wrongly mentioned in cause title).
2. As per the prosecution story, on 21.02.2018 at about 1:45 PM, complainant Goverdhan Sahu, a guard, along with other colleague guards, was on duty in Jimco Workshop of S.E.C.L. Mines. At that time, 15-20 persons came there and they threatening the complainant and other guards, beat them and looted about 35 metres copper wire from there. The matter was reported. During investigation, looted copper wire has been seized from the possession of co-accused persons. Allegedly present applicant is also present at the time of incident with the other co-accused persons.
3. Learned counsel appearing on behalf of the Applicant submits that the

applicant is innocent and has been falsely implicated in the case. He further submits that the other co-accused persons namely Kanhaiya Sao Kaser and Shailendra Kumar Soni have already granted benefit of bail by this Court vide order dated 09-05-2018 passed in M.Cr.C. No. 2654/2018 and order dated 08.05.2018 passed in M.Cr.C No. 2577/2018. He further submits that co-accused persons namely Sonu Netam, Prahlad, Gajraj, Mangal, Shukrawar, Deepak, Santram and Pusau have already granted bail by the order of Sessions Court, present applicant is in custody since 16-06-2018, charge-sheet has been filed and trial will take some time. Therefore, he may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the other co-accused persons have already granted benefit of bail, applicant is in custody since 16-06-2018, charge-sheet has been filed and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge