

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7228 of 2018**

- Anandlal S/o Shri Rajman Aged About 52 Years By Caste- Basor, R/o- Village- Ghutridafai, Charcha, Police Station- Charcha, Tahsil- Baikunthpur, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Charcha, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

MCRC No. 7259 of 2018

1. Pardeshi S/o Shri Matukdhari Aged About 35 Years R/o Village Ghutridafai Charcha Police Station Charcha Tahsil Baikunthpur District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh
2. Manoj S/o Shri Matukdhari Aged About 30 Years R/o Village Ghutridafai Charcha Police Station Charcha Tahsil Baikunthpur District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Charcha District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicants : Shri Pritam Tiwari, Advocate.

For Non-applicant : Shri Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****02.11.2018**

1. Since both the applications arise from the same crime No. they are being disposed off by this common order.
2. These are bail applications under Section 439 of the Cr.P.C. preferred by

the applicants before this Court and no other bail application is pending before any other Court.

3. Case diary not produced. Counsel for the applicants produced photocopy of the charge sheet.
4. The applicants have been arrested in connection with crime No. 105/2018 registered at Police Station – Charcha District Korea (C.G.) for the offence punishable under Section 379 of the Indian Penal Code.
5. Case of the prosecution, in brief is that in the intervening night of 12.08.2018 and 13.08.2018, 13 pieces of GI Pipes amounting to Rs. 67,600/- have been stolen by some unknown persons. At the instance of memorandum of applicants Anandlal Rajwade, Pardeshi and Manoj some pipes have been recovered from them.
6. Learned counsel for the applicants argued that they are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application.
8. As per the report of Police Station, Charcha, which is part of the charge sheet, 5 criminal cases have been registered against applicant Aanandlal, 2 criminal cases have been registered against applicant Pardeshi and there is no antecedent against applicant Manoj.
9. Looking to the facts and circumstances of the case, looking to the fact that 5 other cases have been registered against applicant Anandlal, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to him, however, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicants Pardeshi and Manoj.
10. Accordingly, the bail application under Section 439 of the Cr.P.C. filed by applicant Anandlal is rejected and bail application of applicants Pardeshi

and Manoj is allowed.

11. It is directed that if the applicant **Pardeshi** furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Trial Court with the condition that he will not involve in any crime in future, he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
12. It is directed that if the applicant - **Manoj** furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
13. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE