

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 1370 of 2019

- Pankaj Sahu S/o Narendra Sahu (Narayan) Aged About 18 Years
R/o Deepak Nagar, Near Malti Chowk, Mohan Nagar, Durg,
Tahsil And District- Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station- Parpodi, District- Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Avinash Chand Sahu, Advocate.
For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

13/03/2019

1. The applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 64/2018, registered at Police Station Parpodi, District Bemetara (C.G.) for the offence punishable under Sections 380 & 457 of the IPC.
2. First bail was dismissed as withdrawn with liberty to file a fresh after examination of the memorandum witnesses and seizure witnesses of the case before Trial Court vide order dated 07.12.2018 passed in MCRC No. 8628/2018.
3. In this case, there are two accused persons. A report has been lodged by one Vaibhav Agrawal proprietor of the Maa Gadhimahsar Petrol Pump, wherein, it has been alleged that on the intervening night of 28.08.2018 at about 1 AM to 5 AM, some

unknown persons entered in his cabin and stolen Rs. 1,75,415 /- from his drawer, they have also stolen one mobile phone of Oppo company. On the basis of said report, offence has been registered. During course of investigation, on the basis of memorandum statement of the applicant one mobile phone of Vivo company and 10,000 /- cash has been seized from his possession and he has been taken in custody on 29.08.2018.

4. Learned Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the mobile which has been stolen from the said place that was Oppo Company mobile and the mobile which has seized from the possession of the applicant is Vivo company mobile. Seizure witness namely Laxman Sahu has already examined before the Trial Court and he has not supported the case of the prosecution and turned hostile. He further submits that the applicant has no criminal antecedent, he is in custody since 29.08.2018, charge-sheet has already been filed and trial is likely to take some time. Therefore, he may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the seizure witness has already examined before the Trial Court and he has not supported the case of the prosecution and turned hostile, the applicant has no criminal antecedent, he is in custody since 29.08.2018, charge-sheet has already been filed and trial is likely to take some time, without further

commenting on merits of the case, I am inclined to release the applicant on bail.

8. Accordingly, the bail application is allowed.
9. It is directed that the applicants shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge