

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2832 of 2019**

1. Anand Pardhi (Maliya), son of Paklu Maliya (Pardhi), aged about 36 years.
 2. Yugal Dhiwar, son of Hemlal Dhiwar, aged about 37 years.
- Both are the resident of opposite side of Bus Stand near Pital Karkhana, Balodabazar, Thana and Tahsil Balodabazar, District Balodabazar (CG).

---- Applicants**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Tumgaon,
District Mahasamund (CG).

---- Non-applicant

For Applicants : Mr. Vikash Pradhan, Advocate.

For Non-applicant : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****10.05.2019**

1. This is first bail application 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.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.80/2018 registered at Police Station Tumgaon, District Mahasamund for the offence punishable under Sections 457, 380/34 of Indian Penal Code.
3. Case of the prosecution, in brief is that complainant Santosh Kumar Chandrakar is resident of village Pidhi. In the intervening night of 21/22.04.2018 from the house of said complainant, some unknown persons have stolen some golden ornaments, silver ornament and cash Rs.2500/-. On the memorandum of applicant No.1-Anand Pardhi (Maliya) recorded in Crime No.0/2018 by Police Station Kotwali, Mahasamund, one golden necklace was seized from him. On the memorandum of applicant No.2-Yugal Dhiwar recorded in Crime No.0/2018 by Police Station Kotwali, Mahasamund, some golden ornaments were seized from him. During identification of seized properties, the said complainant has identified his properties.
4. Counsel for the applicants submits that the applicants have not committed any offence. They are innocent and have been falsely implicated in the present case, therefore, they may be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that two other criminal cases of similar type have been registered against the applicants in police case diary.
6. Looking to the above mentioned facts and circumstances of the case, the bail application is allowed. It is ordered that if the applicants furnish two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs.50,000/- each to the satisfaction of the concerned Trial Court with the condition that they shall appear before the Trial Court at 11:00 am as and when directed till trial and they would co-operate during the trial, they shall be released on bail and they shall not involve any such type of crime in future.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE