

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3354 of 2019**

1. Anand Pardhi S/o Shri Paklu Pardhi Aged About 30 Years R/o Village-Rohasi, Thana- Palari, District- Balodabazar-Bhatapara, Chhattisgarh.
2. Yugal Dhivar S/o Shri Hemlal Dhivar Aged About 40 Years R/o Village-Rohasi, Thana- Palari, District- Balodabazar-Bhatapara, Chhattisgarh.

---- Applicants**Versus**

- The State of Chhattisgarh Through Police Station- Kasdol, District-Balodabazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicants	: Shri Samir Singh, Advocate.
For Respondent/State	: Shri Amit Singh, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**04/07/2019**

1. The Applicants have preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 180/2017, registered at Police Station – Kasdol, District- Baloda-Bazar - Bhatapara, (C.G.) for the offence punishable under Sections 457 & 380 of the Indian Penal Code.
2. First bail application of the Applicants was dismissed for want of prosecution by this Court vide order dated 08.02.2019 passed in MCRC No. 586/2019.
3. As per the prosecution story, on 28.04.2017, Complainant namely Gokul Prasad lodged a report wherein it has been stated that in the intervening night of 27/28.04.2017, some unknown persons entered into his house and stole some gold and silver ornaments total amounting Rs. 1,35,000/- from his house. On the basis of the said report, offence has been registered. Allegedly, those stole articles

were found from the possession of present Applicants. They have been taken into custody on 06.11.2018.

4. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He further submits that there is no any direct or indirect evidence available on record against the Applicants in the alleged offence. Further, no seizure have been made from Applicants relating to the said crime. They are in custody since 06.11.2018 and trial is likely to take some time. Therefore, they 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.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicants are in custody since 06.11.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge