

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 4845 of 2019

1. Surajbhan Pardhi S/o Kaushal Pardhi Aged About 45 Years R/o Village- Rohasi, Police Station- Palari, Revenue And Civil District- Balodabazar, Chhattisgarh.
2. Hemlal Pardhi S/o Banshi Lal Aged About 32 Years R/o Village- Sankra, Police Station- Patan, Revenue And Civil District- Durg, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station- Kasdol, Revenue And Civil District- Balodabazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Sumit Jhawar, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

21/08/2019

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 Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 457, 380/34 of the IPC.
2. First bail was dismissed for want of prosecution vide order dated 17.07.2019 passed in MCRC No. 4672/2019.
3. As per prosecution story, on 28.04.2017, complainant of the case namely Gokul Prasad lodged a report in concerned police station ,wherein, it has been stated that in the intervening night of 27.04.2017-28.04.2017, some unknown persons entered into his house and stole some gold and silver ornaments total amounting to Rs. 1,35,000/- from his house. On the basis of said report, offence has been registered. During course of investigation, stolen articles have been seized from the possession present applicants and they have

been taken in custody on 30.11.2018.

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 the applicants have no criminal antecedents, other co-accused persons namely Anand Pardhi and Yugal Dhivar have already granted benefit of bail by this Court vide order dated 04.07.2019 passed in MCRC No. 3354/2019, the applicants are in custody since 30.11.2018, charge-sheet has already been filed and trial is likely to take some time. Therefore, the applicants may be released on bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the applicants have no criminal antecedents, other co-accused persons namely Anand Pardhi and Yugal Dhivar have already granted benefit of bail by this Court, the applicants are in custody since 30.11.2018, 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 applicants 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. 25,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge