

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.4846 of 2019**

Suraj Bhan Pardhi, son of Kaushal Pardhi, aged about 45 years, R/o Opposite Bus Stand Near Pital Karkhana, Balodabazar, Thana and Tahsil Balodabazar, District Balodabazar (CG).

---- Applicant**Versus**

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

---- Non-applicant

For Applicant : Mr. Vikash Pradhan, Advocate.
For Non-applicant/State : Mr. Vaibhav Kartike Agrawal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

09.08.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other Court.
2. The applicant has been arrested 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. Prosecution story in brief is that complainant Santosh Kumar Chandrakar is a resident of village Pidhi. In the intervening night of 21/22.04.2018, some unknown persons stole some golden ornaments, some silver ornaments and cash Rs.2,500/- from the house of said complainant. One pair of golden tops, one pair of golden bangle, one golden necklace, one pair of golden ear rings and two pairs of silver anklets were seized from the possession of the applicant. The alleged seized articles had been identified by the said complainant.

4. Counsel for the applicant submitted that the applicant is an innocent person and has been falsely implicated in the present case hence he may be released on bail.
5. Counsel for the State opposed the bail application. However, he submitted that two criminal cases of similar types have been registered against the applicant in police case diary.
6. Others two co-accused have already been released on bail by this Court vide order dated 10.05.2019 in M.Cr.C. No.2832 of 2019. The role of the present applicant is not more severer than those co-accused, who were enlarged on bail by this Court.
7. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicant. Accordingly, the bail application is allowed.
8. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- along with a personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail and he shall not commit any such type of offence in future.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-