

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.4848 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. Dinesh Kumar Tiwari, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****14.08.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.87/2018 registered in Police Station Tumgaon, District Mahasamund (CG) for the offence punishable under Sections 457, 380/34 of Indian Penal Code.
3. Prosecution story in brief is that complainant Hitesh Kumar Chandrakar is a resident of village Malidih. In the intervening night of 13/14.05.2018 from the house of said complainant, some unknown persons have stolen some golden ornaments and silver ornaments. On the memorandum of applicant recorded in Crime No.0/2018 by Police Station Kotwali, Mahasamund, one pair of golden tops, one pair of golden bangles, one golden necklace, one pair of golden ear-rings, some silver anklets were seized from him. During identification of seized

articles, the said complainant has identified his articles.

4. Counsel for the applicant submitted that the applicant is an innocent 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. He further submitted that two other criminal cases of similar types have been registered against the applicant in police case diary.
6. 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.
7. 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 like sum of Rs.50,000/- to the satisfaction of the concerned Court with the condition that he shall appear before the concerned 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.
8. Certified copy as per rules.

SD/-

(Sharad Kumar Gupta)
JUDGE

L/-