

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6235 of 2018**

Goga Ali, S/o Babu Ali, Aged About 65 Years, R/o Purani Basti, Orampara, Jharsuguda, District- Jharsuguda (Odisha)

---- Applicant

Versus

State of Chhattisgarh, Through- Police Station Sariya, District- Raigarh (C.G.)

---- Respondent

MCRC No. 6333 of 2018

Bablu Suresh Pawar, S/o Suresh Pawar, Aged About 27 Years, R/o Village Mongra, Kastura, Police Station- Vadnera, Near Chandur Railway Station, Amravati, District- Jalana (Maharashtra).

---- Applicant

Versus

State of Chhattisgarh, Through The District Magistrate, Station House Officer, Police Station- Sariya, District- Raigarh (C.G.)

---- Respondent

MCRC No. 9704 of 2018

Manoj Sahu, S/o Shri Banshidhar Sahu, Aged About 24 Years, R/o Village Gol Chowk, Jagatpur, Thana- Jagatpur, District- Cuttack (Odisha)

---- Applicant

Versus

State of Chhattisgarh, Through The Station House Officer, Police Station Sariya, District- Raigarh (C.G.)

---- Respondent

AND

MCRC No. 337 of 2019

Balu Bapu Chouhan, S/o Bapu Chouhan, Aged About 49 Years, R/o Village & Post Pavali, Punarvasan, Police Station Taluka Partur, Jalna District- Jalna (Maharashtra)

---- Applicant

Versus

State of Chhattisgarh, Through The District Magistrate, Station House Officer, Police Station Sariya, District- Raigarh (C.G.)

---- Respondent

 For Applicants : Mr. Mateen Siddiqui, Advocate in MCRC
 No. 6235 of 2018, Ms. Sharmila Singhai,
 Advocate in MCRC Nos. 6333 of 2018 &

337 of 2019 and Mr. Ishan Verma,
Advocate in MCRC No. 9704 of 2018.

For State : Mr. A.N. Bhakta, Dy. Advocate General.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

20/03/2019

1. These are first bail applications filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants namely Goga Ali, Bablu Suresh Pawar, Manoj Sahu & Balu Babu Chouhan who have been arrested on 03.08.2018, 19.04.2018, 17.04.2018 & 19.04.2018 respectively in connection with Crime No. 16/2018 registered at Police Station- Sariya, District- Raigarh (C.G.), for the offence punishable under Sections 457, 380, 411, 34 of IPC, 1860.
2. As per the prosecution case, on 16.01.2018 one Sanjay Agrawal who is running jewelery shop made a complaint that on 15.01.2018 he closed the shop at about 7:00 p.m. went to his house and at about 2:50 a.m., Arun Agrawal whose house is situated neaby the shop informed the complainant through mobile that theft has been committed in his shop and shutter was left open. It was found that ornament made by gold about 1 kg. and silver 30 Kg. were stolen which amounting to around Rs. 25,25,000/-. It is alleged that on memorandum, ornaments were seized from one Manoj Sahu.
3. Learned counsel for the applicants submit that the applicants have no previous antecedent and they have been falsely implicated, therefore, the applicants may be enlarged on bail.

4. On the contrary, learned State counsel opposes the applications for grant of bail.
5. From discovery statement of Goga Ali, silver ornament about 38 kg. & 300 grams and golden ornament about 342 grams were seized from co-accused Manoj Sahu. As per call details, the presence of Goga Ali was recorded near the place of incident which shows prima facie involvement of Goga Ali & Manoj Sahu. The applicants have been charge-sheeted for house breaking by night for commission of theft which is punishable for term of 14 years and it is likely that the trial will conclude within one year, I am not inclined to release Goga Ali & Manoj Sahu on bail.
6. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. in respect of Goga Ali (MCRC No. 6235 of 2018) & Manoj Sahu (MCRC No. 9704 of 2018) are rejected.
7. Further, looking to the fact that no article was seized from possession of Bablu Suresh Pawar & Balu Bapu Chouhan, I am inclined to release Bablu Suresh Pawar & Balu Bapu Chouhan on bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. in respect of Bablu Suresh Pawar (MCRC No. 6333 of 2018) & Balu Bapu Chouhan (MCRC No. 337 of 2019) are allowed and it is directed that they shall be released on bail on their furnishing a personal bond in sum of Rs. 25,000/- each with one local surety each in the like amount to the satisfaction of the concerned trial Court. They shall appear

before the trial court regularly on each and every date, unless
exempted from appearance.

Certified copy as per rules.

Sd/-
(Ram Prasanna Sharma)
Judge

Arun