

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5416 of 2019**

Hemlal Pardhi S/o Banshilal Pardhi Aged About 32 Years R/o Village Sankara, Thana Amleshwar, District Durg Chhattisgarh., District : Durg, Chhattisgarh .

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Tumgaon, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Vikas Pradhan, Advocate
For the State	:	Shri Ravi Maheshwari, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**19/09/2019**

1. This is the first bail application under Section 439 of the CrPC. preferred by the applicant before this Court and no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.80/2018 registered at Police Station Tumgaon, District Mahasamund (C.G.) for the offence punishable under Sections 457, 380/34 of IPC.
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. On the memorandum of applicant recorded by Police Station Kotwali Mahasamund in Crime No.0/18 two pairs of golden tops, one pair of golden ear rings, two golden lockets, one silver anklet were seized from him. 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 other criminal cases of similar types have been registered against the applicant in police case diary.
6. Others three co-accused have already been released on bail by this Court. The case of present applicant is not more severe than those co-accused, who have already 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