

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9243 of 2018**

1. Golu @ Talvindar S/o Diwanchand Aged About 28 Years R/o Near Bus Stand, Thana And Tahsil Saraipali, District Mahasamund Chhattisgarh
2. Ashok Chhavda S/o Setram Chhavda Aged About 48 Years
3. Gangan Chhavada S/o Ashok Chhavda Aged About 26 Years

Both R/o Village Echchhapur, Thana And Tahsil Saraipali, District Mahasamund Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Saraipali, District Mahasamund Chhattisgarh,

---- Respondent

For applicants	Mr. Vikas Pradhan, Adv.
For Respondent/State	Mr. Sangeeta Mishra, GA.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****6-2-2019**

1. At the outset, the counsel for the applicants submits that he does not press bail application of applicant No. 2 Ashok Chhavda.
2. In view of above, this bail application as regards applicant No. 2 is dismissed as not pressed. It will continue for applicant No. 1 Golu @ Talvindar and applicant No. 3 Gagan Chhavada.
3. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other court.
4. The applicants have been arrested in connection with Crime No. 273/2018 registered in police station Saraipali, Distt. Mahasamund (CG) for offence punishable under Section 379/34.
5. Prosecution story in brief is that on 21-8-2018, motorcycle of complainant Sindhu Sidar bearing registration No. CG 06 5643 was stolen by some known person.
6. On the memo of applicant No. 1 Golu @ Talvindar recorded in Crime No. 0/2018 Police Station Saraipali, one Hero Honda motorcycle without registration number, chases no.

MBLHA11ED99B04005, Engine No. HA11EA99B14871, one Hero Honda Splender motorcycle bearing registration No. CG 04 DH 6653 were seized from him.

7. On the memorandum of co-accused Vijay Bariha recorded in Crime No. 0/2018, PS Saraipali one passion motorcycle without registration no., chases no. MBLHA10AWDC60249 which is same chases number of the motorcycle of Narottam Patel.
8. On the memorandum of applicant No. 3 Gagan Chhavda, recorded in Crime No. 8/2018, PS Saraipali, one passion motorcycle without registration no., chases No. MBLHA10AHA9K02145 was seized from him.
9. Counsel for the applicants argued that the applicants are innocent and falsely implicated hence they be released on bail.
10. On the other hand, the Panel Lawyer appearing for the State opposed the bail application. However, he submits that 4 other criminal cases of similar nature have been registered against the applicants, as per case diary.
11. Looking to the above facts and circumstances of the case, looking to the evidence available on record against the applicants, despite the fact that 4 other cases of similar nature have been registered against the applicants, this Court is inclined to grant bail to the applicants No. 1 and 3, thus the application is allowed. It is ordered that applicant No. 1 **Golu @ Talvindar** and applicant No. 3 **Gagan Chhavada** each of the them furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned with the condition that they will appear before the concerned trial Court at 11 AM as and when directed till trial, they be released on bail.
12. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge