

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9823 of 2018

1. Pradeep Tiwari S/o Shivbaran Tiwari Aged About 30 Years At Present R/o Daubada Mahapour Ambika Yadu, Achholi, Tahsil And District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Devsingh Paikra @ Deva @ Dooj S/o Balram Singh Aged About 26 Years At Present R/o Transport Nagar, Police Station Khamtarai, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Urla, Civil And Revenue District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Girdhari Lal Verma, Advocate.
For Non-applicant	: Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

14.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 299/2018 registered at Police Station Urla, Civil And Revenue District Raipur (C.G.) for the offence punishable under Sections 457, 380, 34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that in the intervening night of 09/10-05-2018 at nearby Durga Mandir, Urkura from the house of the complainant Toshan Kumar Sahu, some ornaments, silver coin, artificial jewelery, some saries have been stolen by some unknown persons. On the memorandum applicant No. 1 Pradeep Tiwari some ornaments, sari, coins, LED TV have been seized from him. On the memorandum of applicant No. 2 Devsingh Paikra @ Deva @ Dooj some ornaments and other articles have been seized from him. Wife of the complainant had identified the some stolen articles.
4. Learned counsel for the applicants submits that the applicants have no criminal background. They are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application and submits that there are 13 other criminal cases have been registered against the applicant No. 1 and there is no antecedent reported against applicant No.2.
6. Looking to these facts and circumstances of the case, looking to the fact that 13 other criminal cases have been registered against applicant No.1, bail application of applicant – Pradeep Tiwari is rejected.
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, It is directed that if the applicant No. 2, Devsingh Paikra @Deva@Dooj furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Trial Court with the condition that he will not involve in any crime in future, he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE