

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3670 of 2020

1. Smt. Anita Soni W/o Santosh Soni Aged About 45 Years R/o Near Khediya Talkies, Manendragarh, P. S. And Tahsil Manendragarh, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh
2. Riyaz Mohammad S/o Gulam Mohammad Aged About 32 Years R/o Amaleshwar, Korea, P. S. And Tahsil Patan, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Manendragarh, Civil And Revenue District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicants	:	Shri Girdhari Lal Verma, Advocate
For State	:	Shri Ravish Verma, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/08/2020

Heard.

1. The applicants have been arrested in connection with Crime No. 57/2020 registered in Police Station -Manendragarh, District- Korea (CG) for alleged commission of offence under Sections 452, 380, 120-B, 201 read with Section 34 IPC.
2. Case of the prosecution, in brief, is that applicants broke open the lock of the box in the house of the complainant and stolen valuable items, jewellery, document etc.
3. Learned counsel for the applicants would argue that the allegation levelled by complainant- Santosh is completely false and fabricated. Present is a

matter of dispute between husband and wife. Applicant No.1 Smt. Anita Soni is the wife of the complainant and applicant No.2- Riyaz Mohammad is son-in-law of the complainant. Learned counsel for the applicant submits that the story of the complainant that his wife and son-in-law stolen the valuables and jewellery which belonged to his mother is wholly improbable. Learned counsel for the applicants further submits that as the investigation is complete and charge sheet has been filed, the applicants may be granted bail.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that complainant- Santosh lodged report that his wife and son-in-law falsely stated regarding loot of jewellery and other valuables, whereas Anita herself got the jewellery box, broke open and theft committed by her in-law Riyaz in a conspiracy to steal away the belonging of Santosh. The jewellery, documents and other articles were seized from the house of the applicant No.2. Therefore, under these circumstances, the applicants are not entitled to grant of bail.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that complainant is involving his own wife and son-in-law in committing theft in his own house and that investigation is complete and charge sheet has been filed, present is a fit case for grant of bail.
6. The application is accordingly allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge