

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.4222 of 2020

1. Pitla Sivaji S/o Pitla Raju Aged About 22 Years R/o - Tippa, Post - Biturgunta, Thana - Bhogal, District - Naillur (Andhra Pradesh)
2. Pitla Pradeep S/o Pitla Prasad Aged About 25 Years R/o - Tippa, Post - Biturgunta, Thana - Bhogal, District - Naillur (Andhra Pradesh)
3. Gunja Jabraj S/o Gunja Devadanam, Aged About 25 Years R/o - Tippa, Post - Biturgunta, Thana - Bhogal, District - Naillur (Andhra Pradesh)
4. G. Marry W/o Late G. Durgarao, Aged About 40 Years R/o - Tippa, Post - Biturgunta, Thana - Bhogal, District - Naillur (Andhra Pradesh)
5. K. Kamamma W/o Late K. Govind, Aged About 60 Years R/o - Tippa, Post - Biturgunta, Thana - Bhogal, District - Naillur (Andhra Pradesh)
6. P. Durgaprasad S/o G. Nagraju, Aged About 47 Years R/o - Tippa, Post - Biturgunta, Thana - Bhogal, District - Naillur (Andhra Pradesh)

---- Applicants

Versus

State Of Chhattisgarh, Through District Magistrate Durg, District Durg
Chhattisgarh

---- Respondent

For Applicants	:	Shri Avinash Chand Sahu, Advocate
For Respondent/State	:	Shri Alok Bakshi, Additional A.G.

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

Order On Board

04/09/2020

Heard.

1. The applicants have been arrested in connection with Crime No.124 of 2020 registered at Police Station- Mohan Nagar, District Durg (CG) for the alleged commission of offence under Section 379, 413, 414, 34 of IPC.
2. Case of the prosecution is that the applicants had gathered in a busy market and at an appropriate stage, they took out of Rs.1,30,440/- from the vehicle of the complainant.
3. Learned counsel for the applicant would submit that the applicants have

been arrested only on the basis of suspicion. It is submitted that the cash seized from the applicant could not be identified as the same cash bearing same number which was kept by the complainant. It is next submitted that recovery have already been made, investigation is complete and the charge-sheet has also been filed. The applicants are in jail since long and trial is not likely to commence early, therefore, at this stage, they may be granted bail.

4. On the other hand, learned counsel for the State opposes the prayer and submits that after the incident of theft, when investigation was made, the applicants were apprehended being suspect, were roaming around in the market and seen near the spot of incident. When they have taken into consideration, their memorandum have recorded and on that basis, huge amount of cash of approximately Rs.87,000/- has been recovered, which is unaccounted. He would next submit that the applicants are resident of other State and if they are granted bail, they may abscond or they may delay in trial.
5. Taking into consideration the submission of learned counsel for the parties, nature of allegation, amount involved in the theft and further that investigation is complete, charge-sheet has been filed and the applicants are in jail since 19.04.2020 and that there is no likelihood of early conclusion of trial, at this stage, the application is allowed.
6. 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 one local surety for the like amount to the satisfaction of the concerned trial Court for their appearance before the trial Court on each and every date, unless exempted from appearance.

Sd/-
(Manindra Mohan Shrivastava)
Judge