

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5764 of 2020

1. Rakesh Kumar Jhariya And Anr. S/o Late Utra Kumar Jhariya Aged About 30 Years R/o Village Barbhouna, Police Station Chhal, District- Raigarh, Chhattisgarh
 2. Roshan Kumar Jhariya S/o Balakram Jhariya Aged About 24 Years R/o Village- Barbhouna, Police Station Chhal, District- Raigarh, Chhattisgarh
- Applicants**

Versus

- State of Chhattisgarh through Police Station- Ghargoda, District- Raigarh, Chhattisgarh
- Respondents**

For the applicant	:	Mr. Tarun Dansena, Advocate
For the State	:	Mr. Gagan Tiwari, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.12.2020

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 98/2020 registered at Police Station Ghargoda, Distt. Raigarh (C.G) for the offences punishable u/ss 457, 506, 323, 342, 395 of IPC.
2. As per the prosecution case, the applicants at the connivance of other co-accused have committed theft of copper wire and other articles from New Modern Technomate Private Limited which was carrying out their Railway Electrification work in between Kharsia to Dharamjaigarh.
3. Learned counsel for the applicants would submit that only on the memorandum statement of one Basant Rathiya, the petitioners have been inculpated. He further submits that the charge sheet has been filed and the applicants are in jail

since 15.05.2020, therefore, looking to the period of detention, they may be enlarged on bail.

4. On the other hand, learned State Counsel opposes the bail application and submits that the bail of other accused Anand Patel, Rohit Kumar Rathiya and Mirza Rahman has been rejected. He would further submit that from applicant Rakesh Kumar, a mobile has been seized and from Roshan Kumar, copper wire which was stolen was seized.
5. Perused the case diary. Considering the fact that one mobile has been seized from Rakesh Kumar Jhariya and copper wire has been seized from Roshan Kumar Jhariya and taking into consideration the fact that the bail of the co-accused from whom likewise seizure of stolen copper-wire & electrification material was made has been rejected, I am not inclined to enlarge the applicant No.2 Roshan Kumar on bail as certain copper was stated to be recovered from him. Accordingly his bail application is rejected. Whereas in respect of applicant no.1 Rakesh Kumar Jhariya, mobile has been seized, therefore, I am inclined to allow his bail application.
6. Accordingly, application of applicant No.1 Rakesh Kumar Jhariya is allowed and he is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**