

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 5963 of 2020

- Bharat Bhuriya S/o Shekaram, Aged About 24 Years R/o Kedar Faliya, Village Chhoti, Jamali, Police Station Udaygarh, District Alirapur, (M.P.)

---- Applicant

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Station Pandri, Raipur, District- Raipur, Chhattisgarh

---- Respondent

For Applicant/s	:	Mr. C.R. Sahu, Advocate.
For State	:	Mr. Dinesh R.K. Tiwari, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan ShrivastavaOrder On Board29/10/2020

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.239/2019 (wrongly mentioned as 239/2020 in the impugned rejection order of the learned Court below) registered at Police Station- Pandri, District-Raipur, C.G. for the alleged commission of offence under Sections 457, 380 & 34 of IPC.
2. Prosecution case is that the applicant and co-accused committed theft of gold, silver jewellery and cash, total amounting to Rs.45,000/- and from the possession of the applicant, recovery has also been made.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in the case and false seizure has been made. He would submit that investigation is complete, charge sheet has been filed and applicant is in jail since 18.12.2019 and that trial is not likely to be concluded early, therefore, at this stage, the applicant may be granted bail.
4. On the other hand, learned State Counsel opposes and submits that *prima facie*, a case has been made out against the present applicant on the basis of recovery of stolen articles. He would submit that applicant and co-accused are

involved in about 11 cases of similar nature, which shows that the applicant is habitual offender and he is likely to misuse his liberty and flee away also.

5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration the valuation of alleged stolen articles and further that the applicant is in jail since 18.12.2019, investigation is complete, charge sheet has been filed and trial is not likely to be concluded early, at this stage, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties of the like amount to the satisfaction of the Trial Court on the condition that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not in any manner, tamper with the prosecution witnesses.
7. The applicant is being grant bail on the condition that if the applicant is again found involve in similar commission of offence, it would be open for the State to apply for cancellation of the bail.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge