

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7760 of 2020**

1. Roshan Sarthi S/o Shri Devsingh Aged About 19 Years R/o Village Saskoba, Goutiyapara, Thana Dharamjaygarh, Civil And Revenue District : Raigarh, Chhattisgarh
2. Setram Rathiya S/o Firuram Rathiya Aged About 20 Years R/o Village Saskoba, Goutiyapara, Thana Dharamjaygarh, Civil And Revenue, District : Raigarh, Chhattisgarh

---- Applicants**Versus**

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

---- Respondent

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

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****16/12/2020**

Heard.

1. The applicants have moved this application for grant of bail as they are arrested in connection with Crime No.208/2020 registered at Police Station- Patthalgaon, District- Jashpur, C.G. for the alleged commission of offence under Sections 457, 380 & 414/34 of IPC.
2. Prosecution case is that co-accused Shiv Shankar Sarthi broken up the wall of the bank and stolen Rs.11,55,520/- from the bank.

Allegation against the present applicants is that when the main accused who had stolen cash from the bank, was taken into custody and his memorandum recorded, main accused disclosed that he has given Rs.30,000/- to applicant No.1-Roshan Sarthi and Rs.20,000/- to applicant No.2-Setram Rathiya for not disclosing the fact to anyone that these are stolen property.

3. Learned counsel for the applicants would submit that even according to

the case of the prosecution, the applicants are nowhere involved in the commission of offence of theft from the bank and they are involved because the accused has given some money to these applicants. Learned counsel for the applicants would submit that the prosecution story that the accused voluntarily disclosed to the applicants that he had committed offence, is highly improbable and rather the applicants are those, who had provided loan to the accused.

4. On the other hand, learned State Counsel opposes and submits that the act of the applicants knowing fully well that the cash amount which is being given to them by the accused is stolen property and received the same, therefore, they are also involved.
5. Taking into consideration the submissions of learned counsel for the parties, nature of allegation and role alleged to have been played by the applicants and particularly taking into consideration that in the memorandum of main co-accused, there is no allegation of applicants involved in the offence of theft and they are involved only with the aid of Section 414 IPC and further that the applicants are in jail since 16.10.2020, investigation is complete, charge sheet has been filed and the applicants are not likely to abscond or tamper with prosecution witnesses, at this stage, I am inclined to grant bail to the applicants.
6. Accordingly, the bail application is 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 one local surety of the like amount to the satisfaction of the Trial Court on the condition that-
 - a) They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) They shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge