

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 470 of 2021

Devendra Toder S/o Gourishanker Aged About 22 Years R/o Village Ameri,
Ward No. 03, Police Station Sakari, District Bilaspur Chhattisgarh., District :
Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Sakari, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Sumit Singh Rathore, Advocate
For State	:	Shri Sudeep Agrawal, Dy. A.G.

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

Order On Board

02/06/2021

Heard.

1. The applicant is arrested in connection with Crime No.171/2020 registered in Police Station - Sakari, District- Bilaspur (CG) for alleged commission of offence under Sections 457 & 380 IPC.
2. This is the second bail application of the applicant. His first bail application was dismissed as withdrawn on 09.10.2020 with liberty to revive.
3. Case of the prosecution, in brief, is that the applicant and co-accused have stolen gold and silver ornaments as also cash of total value of Rs.7,18,000/-
4. Learned counsel for applicant would argue that the applicant has been falsely implicated and false seizure has been made. He has not stolen any goods. He would submit that investigation is complete and charge sheet has been filed and the applicant is in jail since 12.7.2020 and till date, trial has not been

concluded. He further submits that co-accused Darash Mandavi has been granted bail vide order dated 4.3.2021 passed in MCRC No.8241 of 2020. Therefore, at this stage, the applicant may also be granted bail.

5. On the other hand, learned counsel for the State opposed the bail application by submitting that a prima facie case is made out against the applicant because from the possession of the applicant also, stolen ornaments and cash have been recovered in the presence of independent witnesses.
6. Taking into consideration the submissions made by learned counsel for the respective parties, particularly taking into consideration the value of stolen articles, considering that the applicant is in jail since 12.7.2020, investigation is complete, charge sheet has been filed and that trial has not been concluded till date, this Court is inclined to grant bail to the applicant.
7. The application is accordingly 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 for the like amount to the satisfaction of the concerned trial Court, with following further conditions that:-
 - (i) the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Vacation Judge