

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2303 of 2021**

Roshan Kumar Jhariya S/o Balkaran Jhariya Aged About 24
Years R/o Village Barbhouna, Police Station Chhal, District
Raigarh Chhattisgarh. --- Applicant

Versus

State of Chhattisgarh through Station House Officer, Police
Station Gharghoda, District : Raigarh, Chhattisgarh
--- Respondent

For the applicant	: Mr. Dharmesh Shrivastava, Advocate.
For the State	: Mr. Ashish Tiwari, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****04.08.2021**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in Crime No. 98/2020 of Police Station Gharghoda, Distt. Raigarh (C.G) for the offences punishable under Sections 457, 506, 323, 342, 395 of IPC. The first bail application was dismissed on 10.12.2020.
2. As per the prosecution case, the applicant at the connivance of other accused has 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 applicant submits that earlier on the statement of the State Counsel that since recovery of copper wire was said to be made from the Roshan Kumar Jhariya the present applicant, his bail application was rejected.

However, the challan would show that no recovery was made from Roshan Jhariya.

4. Learned State Counsel was directed to verify the fact that whether any recovery has been made from the applicant Roshan. He submits that the investigating officer has made a statement that no recovery was made from Roshan Kumar Jhariya. Considering the said submission and the fact that the applicant is in jail since 15.05.2020, I am inclined to allow his bail application, at this stage.
5. Accordingly, the bail application is allowed and the applicant 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**