

**HIGH COURT OF CHHATTISGARH, BILASPUR****Proceedings through video conferencing****MCRC No. 4560 of 2021**

1. Mo. Kadim S/o Mo. Hanif Aged About 22 Years R/o Ward No. 03, Azad Chowk, Mahavir Ward Simga, Police Station And Tahsil Simga, District Baloda Bazar (Chhattisgarh)

**---- Applicant****Versus**

1. State of Chhattisgarh Through Station House Officer, Police Station Bemetara, District Bemetara (Chhattisgarh).

**---- Respondent****MCRC No. 4573 of 2021**

1. Mo. Kadim S/o Mo. Hanif Aged About 22 Years R/o Ward No. 3, Azad Chowk, Mahavir Ward, Simga, Police Station And Tahsil- Simga, District- Baloda Bazaar, Chhattisgarh.

**---- Applicant****Versus**

1. State of Chhattisgarh Through The Station House Officer- Police Station- Berla, District- Bemetara, Chhattisgarh.

**---- Respondent**


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| For Applicant        | - | Shri C.R. Sahu, Advocate.                                                                      |
| For Respondent/State | - | Shri Sudeep Agrawal, Dy. Advocate General with<br>Shri Vikram Sharma, Dy. Government Advocate. |

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**Hon'ble Shri Prashant Kumar Mishra Ag. Chief Justice**  
**Order on Board**

**25-08-2021**

1. Heard.
2. Shri Vikram Sharma, learned Dy. Government Advocate appearing for the State in MCRC No.4573 of 2021 submits that the case diary is not available, however, Shri Sudeep Agrawal, learned Dy. A.G. informs that case diary is available in M.C.R.C. No.4560/2021.
3. Since both the applications have been preferred by the same accused who has been arrested in two crime numbers involving similar nature of offence, I proceed to decide both the applications simultaneously.

**4. MCRC No. 4560/2021.**

5. The applicant has preferred the first bail application under Section 439 of the Cr.P.C., as he has been arrested in connection with Crime No.03/2020, registered at Police Station – Bemetara, District – Bemetara (C.G.) for the offence punishable under Sections 457, 380, 411, 414,/34 of the Indian Penal Code.

**6. MCRC No. 4573/2021**

7. The applicant has preferred the first bail application under Section 439 of the Cr.P.C., as he has been arrested in connection with Crime No.46/2019, registered at Police Station – Berla, District – Bemetara (C.G.) for the offence punishable under Sections 457, 380, 411, 414/34 of the Indian Penal Code.

8. As per the allegation, accused Rahul and Dinu have committed theft of ornaments from Jewellery shop and sold some part of the stolen goods to the present applicant, who in turn sold it to co-accused Prakash Dewangan.

9. Although, one more case of similar nature has been registered against the applicant but the fact remains that in both the matters, allegation against him is of purchasing stolen goods and not that of committing theft.

10. Considering that the offences are triable by Judicial Magistrate First Class and the applicant is in jail since 19-03-2021 and also the charge sheet has already been filed, I am inclined to release the applicant on bail.

11. Accordingly, both the bail applications are allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

**SD/-****(Prashant Kumar Mishra)**  
Acting Chief Justice

Amardeep