

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.6917 of 2021**

- Premsingh Pardhi, S/o Son Singh Pardhi, aged about 55 years, R/o village Khursidih, P.S. Pulgaon, Tehsil and District Durg (CG)

---- Applicant (In Jail)

Versus

- State of Chhattisgarh, through PS-Gundardehi, District Balod (CG).

....Non-applicant

For Applicant	:	Mr. Prasoon Agrawal, Advocate
For Non-applicant	:	Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****06.12.2021**

1. This is first application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as applicant is in custody since 13.8.2021 in connection with Crime No.182/2021 registered at Police Station Gundardehi, District Balod (CG) for commission of offence punishable under Sections 457, 380 r/w 34 of IPC.
2. Case of prosecution, in brief, is that a complaint was lodged stating that on 8.8.2021 at about 2:00 a.m. in night, some unknown persons committed theft of iron sheet trunk in which ornaments and clothes were kept. Based on complaint, aforementioned crime was registered against unknown person. During course of investigation, applicant was arrested and based on his memorandum statement, he was made accused in crime in question.
3. Mr. Prasoon Agrawal, learned counsel for applicant would submit that applicant has been falsely involved in crime. There is no material to connect applicant with crime in question. Applicant has been arrested in respect of other case of similar nature registered against him in another police station prior to registration of aforementioned crime. There is no seizure of any incriminating article from possession of applicant. He has been arrested only on the basis of suspicion. Applicant is in jail since 13.8.2021. Offences are triable by Magistrate, hence applicant

may be enlarged on regular bail.

4. Per contra, Mr. Vimlesh Bajpai, learned Government Advocate for the State opposes the submissions made by learned counsel for applicant and submits that applicant is involved in four other criminal cases of similar nature and out of which, three cases are of the year 2021. Upon putting specific query with regard to evidence connecting applicant with crime in question, learned State Counsel submits that during the course of interrogation, applicant in his memorandum statement admitted guilt of commission of instant crime also. However, he does not dispute statement of learned counsel for applicant that there is no seizure of any incriminating article from possession of applicant or seizure of any article at his instance.
5. I have heard learned counsel for the parties.
6. Having regard to facts and circumstances of case, nature of allegations; nature of material collected by police during the course of investigation, except memorandum statement there is no other material to connect applicant with crime in question, applicant is in jail since 13.8.2021, without commenting anything on merits of case, I am inclined to enlarge applicant on regular bail. Accordingly, bail application is allowed and it is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to satisfaction of trial Court concerned on the conditions that;
 - a) he shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
 - b) he shall not, in any manner, tamper with prosecution witnesses.
 - c) If applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-