

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7389 of 2021

Reshamlal Rathiya, S/o. Panchram Rathiya, Aged About 29 Years, R/o. Village Barbhauna, Police Station Chhal, District Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Gharghoda, District Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent : Mr. Ravi Bhagat, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

04.10.2021

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.98/2020 registered at Police Station- Gharghoda, District Raigarh, for the offence punishable under Sections 457, 506, 323, 342 & 395 of Indian Penal Code.
2. As per the prosecution case, the applicant along-with the other co-accused have 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 Learned counsel for the applicant submits that the earlier bail application was dismissed as withdrawn on 14.12.2020, now the injured and seizure witness have been examined and they have not identified the present applicant. He further submits that the other co-accused have already been enlarged on bail and the applicant is in jail since 01.07.2020, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. The statement of the victim Suresh Kumar Chouhan and Trayambak Chouhan is on record, which is examined. Considering the same, without any observation on merit, taking into the fact that the applicant is in jail since 01.07.2020, I am inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
6. It is directed that the 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 the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge