

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 67 of 2021

- Shiv Shanker Sarthi S/o Vijay Sarthi, aged about 18 years, by Caste – Ghasiya, R/o Village – Saskoba, Thana – Dharamjaygarh, District Raigarh (C.G.)

---- Applicant

Versus

- The State of Chhattisgarh, Through the Station House Officer, Police Station – Patthalgaon, Civil & Revenue District Jashpur (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Sunil Sahu, Advocate
For Respondent/State	:	Shri C.B. Kesharwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

12.03.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 15.10.2020 in connection with Crime No. 208/2020 registered in Police Station – Patthalgaon, District Jashpur (CG) for the offence punishable under Sections 457, 380 & 414/34 of IPC.
2. Prosecution case in brief is that complainant Chandan Kumar, Manager of SBI, Patthalgaon Branch, has lodged a report at Police Station Patthalgaon on 29.09.2020 stating that in the intervening night of 28th–29th September, 2020 some unknown person entered in the bank after breaking the wall and committed theft of Rs.11,55,520/-. On the basis of the said report, offence under Sections 457 & 380 of IPC was registered against the unknown person. During investigation, the applicant was arrested on 15.10.2020 and his memorandum statement was recorded consequent to which police has seized the cash amount of Rs.06,47,730 and motorcycle amounting to Rs.1,44,000/- from the possession of the applicant which he had purchased

on 09.11.2020 from one Shivkumar.

3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He further submits that co-accused persons namely Roshan Sarthi and Setram Rathiya have been granted regular bail by the coordinate bench of this Court vide order dated 16.12.2020 passed in M.Cr.C. No. 7760 of 2020. He also submits that the applicant is in jail since 15.10.2020, charge-sheet has already been filed and conclusion of the trial is likely to take some time, therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, particularly considering the allegation made against the present applicant, his memorandum statement and seizure of articles, statements of the witnesses, and that case of the co-accused persons who have been granted bail by the coordinate bench of this Court is distinguishable on facts from the case of the present applicant, without expressing any opinion on merits of the case, this Court is of the opinion that present is not a fit case for releasing the applicant on bail. Accordingly, the application is rejected. It is made clear that if trial is not concluded within a period of six months from today, the applicant shall be at liberty to repeat his prayer for grant of bail.

Sd/-

(Gautam Chourdiya)
Judge