

**(2018) 06 CHH CK 0155**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 3724 Of 2018

Santosh Pardhi

APPELLANT

Vs

State of Chhattisgarh

RESPONDENT

**Date of Decision:** June 26, 2018

**Acts Referred:**

- Indian Penal Code, 1860 - Section 380, 547
- Code Of Criminal Procedure, 1973 - Section 439

**Hon'ble Judges:** Sharad Kumar Gupta, J

**Bench:** Single Bench

**Advocate:** Suresh Kumar Verma, K. Tripti Rao

**Final Decision:** Allowed

**Judgement**

Sharad Kumar Gupta, J

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 102/2018 registered in police station Saja, Distt. Bemetara (CG) for offence punishable under Sections 457 and 380 of IPC.
3. Perused the copy of the case diary produced by the State Counsel and also heard counsel for the parties.
4. Prosecution story in brief is that on 7-3-2018, complainant Gulab Chand Jain who is resident of village Bijagod, Saja had gone along with his family members to attend a marriage at Saja. When he returned back at about 11 pm he found that lock of the channel gate was broken and ornaments were

stolen by unknown person. During patrolling on 12-3-2018, after receiving information from some informant, Head Constable Sukhnandan Singh seized ornaments worth Rs. 1,02,000/- from the applicant and one motorcycle from the co-accused Anil @ Palu Pardhi. Co-accused Anil @ Palu Pardhi has been enlarged on bail by the Sessions Judge, Bemetara.

5. Looking to the above facts and circumstances of the case, looking to the fact that the offence is triable by JMFC, there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, applicant is in custody since 12-3- 2018, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the application is allowed. It is ordered that if the applicant furnishes two solvent sureties for a sum of Rs. 15,000/- each along with one personal bond of Rs. 30,000/- to the satisfaction of the Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial, he be released on bail.

6. CC as per rules.