

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1409 of 2020**

- Itwar Singh S/o Mani Singh Aged About 45 Years R/o Kanjipani, P.S. Pali, Tahsil Pali, District Korba Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through, Station House Officer, Police Station Lormi, District Mungeli Chhattisgarh.

---- Respondent

For Applicant : Ms. Indira Tripathi, Advocate.
For Respondent/State: Mr. Dinesh Tiwari, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03.06.2020**

- The accused/applicant has moved his first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 16/2020 registered at Police Station – Pali, District-Korba (C.G.) for the offence punishable under Sections 379, 411/34 of IPC.
- According to the prosecution story, on 23.01.2020 the co-accused Ramesh has stolen the 13 pieces of goat of the complainant namely Mangal Singh and he stated in his memorandum that he sold the 11 goats to the present applicant of Rs. 9000/- and he received only Rs. 3000/- from the present applicant Itwar Singh. Thus, on the basis of the memorandum of the accused Ramesh, the concerning police has seized 11 goats from the possession of the present applicant and registered the aforesaid offence against the present applicant.
- Learned counsel for the applicant submits that the applicant is an innocent person and he has been falsely implicated in the instant case. He further submits that the prosecution agency has not collected any material evidence regarding the

ownership of the aforesaid goat in favour of informant therefore the offence under Sections 379 and 411 of IPC has not been made out against the present applicant. He next submitted that the applicant is in jail since 23.01.2020, therefore he may be granted bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned Counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant, as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
- Accordingly, the bail application is allowed.
- It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 50,000/-, with one local surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.
- It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **in Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), they need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if they have not furnished the bail bonds earlier, then they will be required to furnish bail bonds within four weeks from today.

Sd/-
(**Rajani Dubey**)
Judge