

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 299 of 2021

- Ankush Joseph S/o Mauris Joseph Aged About 26 Years R/o Near Deepupara Pond, P.S. Tarbahar, District- Bilaspur (C.G.), District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, City Kotwali, District- Bilaspur (C.G.), District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Umesh Verma, Advocate
For Respondent /State	:	Shri Amit Singh, P.L.

Hon'ble Justice Shri Gautam Chourdiya
Order on Board

24/02/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 20.11.2020 in connection with Crime No.235/2020, registered at Police Station- City Kotwali, District- Bilaspur (C.G.) for the offence punishable under Sections 457, 380 of the IPC.
2. Case of the prosecution is that complainant- Shashikant Joseph has lodged a report that on 25.10.2020 at about 6.30 to 10.00 pm, somebody has committed theft in his house by breaking the locker of the Almirah of the gold and silver ornaments and cash of Rs.5,65,000/-/. Based on this, an offence was registered and on the memorandum statement of the accused/applicant, he was taken into custody.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated and he has been falsely implicated in the case. He submits that there is no criminal antecedent

against the applicant and yet charge sheet has not been filed. He further submits that the offence is triable by Magistrate and conclusion of trial is likely to take some time, therefore, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail. However, he submits that there is no criminal antecedent against the applicant.
5. Having considered the submission made by learned counsel for the parties, the nature of allegations against the applicant; age of the applicant; the detention period and the applicant is the first offender; the offence is triable by Magistrate; there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel; and conclusion of trial is likely to take some time, without further commenting on merits, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is allowed.
7. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs. 50,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-
 - (a) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (d) he shall not involve himself in any offence of similar nature in future.

Sd/-

(Gautam Chourdiya)
Judge