

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 43 of 2021**

- Umesh Kumar Verma S/o Ramdas Prasad Aged About 38 Years R/o Ward No. 24, Rani Laxmi Bai Ward Dallirajhara, P.S. Dallirajhara, Tahsil Doundi, District Balod Chhattisgarh., **---- Applicant**

Versus

- State of Chhattisgarh through S.H.O. Rajhara, District Balod Chhattisgarh., District : Balod, Chhattisgarh **---- Non-applicant**

For Applicant : Mr. Hemant Gupta, Advocate.

For State : Mr. Sameer Uraon, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****08-02-2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 17-12-2020 in connection with Crime No. 536 of 2020 registered at Police Station Rajhara, District Balod (CG) for the offence punishable under Sections 457 & 380 of IPC.
2. The case of the prosecution, in brief, is that the complainant Ajay Kukreja lodged a report in Police Station that on 12/13-12-2020 he had gone to Stana for ring ceremony of his brother-in-law and during that period some unknown person had stolen one gold bangle and Rs.21,000/- from the almirah from his house and on the basis of report lodged in Police Station, offence was

registered against the applicant.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, the offence is triable by the Magistrate, no recovery has been made from the applicant, he is the first offender, charge sheet has been filed, except present one, he has no other criminal case, he is in jail since 17-12-2020 and conclusion of the trial is likely to take some time, therefore he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the present applicant has no other criminal antecedents.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the fact that the offence is triable by the Magistrate, applicant is first offender, there is no likelihood of the applicant tampering with the evidence of absconding and applicant has no other criminal antecedents as admitted by both the parties and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.
7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/-

each to the satisfaction of the concerned trial Court. He shall appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicant is being granted bail on the following conditions:

- i. 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,
- ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- iv. he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to this Court.

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial court in the event of applicant involving himself in similar nature of offence.

Sd/-

(Gautam Chourdiya)
Judge

Raju