

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 451 of 2021

1. Nandkishore Thakre S/o Shri Sukhchand, Aged About 30 Years, R/o House No. 577/995, Bhandara Road, Near Rajeev Gandhi School, Minimata Nagar, Bhandewadi, Police Station Kalamna, District Nagpur (Maharashtra).
2. Guman Markam S/o Shri Pardeshi Markam, Aged About 32 Years, R/o Lal Bahadur Nagar, Ward No. 3, Baniyapara, Rajnandgaon, Chowki Chicholi, Police Station Churiya, District Rajnandgaon (C.G.).
3. Alkesh Uike S/o Shri Waru Uike, Aged About 24 Years, R/o Hiwra, Tahsil Aathner, Police Station Hiwra, Civil And Revenue District Baitul (Madhya Pradesh).

----Applicants

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Basna, District Mahasamund (C.G.).

---- Non-Applicant

For Applicants : Mr. Sunil Verma, Advocate.
For Respondent/State : Mr. Dinesh R.K. Tiwari, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya
Judgment On Board

01/03/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicants for grant of bail as they are in custody since 22/12/2020 in connection with Crime No. 503/2020 registered at Police Station Basna, District Mahasamund (C.G.) for the offence under Sections 420, 407/34 of IPC.
- 2) Allegation against the present applicants are that they obtained 506 Bags of Rice from Shanti Rice Mill at village Hardi for supplying the same to Mogri Food Private Limited, Nagpur. For

the above purpose the applicant contacted Om Sai Frant Carrier Transporter Paramjeet Choubey, showed him RC Book and driving license which were forged. In their memorandum the applicants admitted that on 21/09/2020 they also bought 700 Bags of Rice loaded from Krishna Rice Mill, Basna for transporting the same to Mogri Food Private Limited, Raipur through Lovely Transport by using forged documents.

- 3) Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case. He submits that the applicants are in jail since 22/12/2020 and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the age of the applicants i.e. 30, 32 & 24 years respectively, the detention period of the applicants, the fact that the applicants have no criminal antecedents and there is no apprehension of their absconding or tampering with the evidence as admitted by the counsel for the parties and that conclusion of trial is likely to take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the application is **allowed**. It is directed that in the event of **each** of the applicants 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 the following conditions:-
 - i. they 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. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- iv. they shall not involve themselves in any offence of similar nature in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant