

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 92 of 2021

1. Ajay Kumar Mandavi And Anr. Son Of Avtar Singh Mandavi Aged About 20 Years R/o Village Nilja, Post Saragaon, Tahsil And District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
2. Jeevan Mandavi Son Of Dandiram Mandavi Aged About 20 Years R/o Village Nilja, Post Saragaon, Tahsil And District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Kharora, District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Non-Applicant

For Applicants	:	Shri Pawan Kumar Kashyap, Adv.
For Non-Applicant/State	:	Ms. Seema Dixit, P.L.

Hon'ble Shri Justice Gautam Chourdiya, J
Order On Board

25/02/2021

1. The applicants have preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 21.11.2020 in connection with Crime No.392/2020, registered at Police Station- Kharora, District Raipur(CG) for the offence punishable under Sections 394, 34 of the IPC.
2. Case of the prosecution is that on 20.11.2020, at about 6.00 am, the applicants along with some other co-accused have looted a sum of Rs.25,000/-, one mobile, one cheque amounting to Rs.60,000/- and cash Rs.370/- from the complainant and conductor while they were returning in their Hywa at village Kapsada.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, they have not committed any offence. He further submits the co-accused persons have been released on bail by the trial court and the applicants are in

jail since 21.11.2020; yet charge sheet has not been filed and the offence is triable by Magistrate; and trial is likely to take some time for its final disposal, therefore, the applicants be released on bail by this Court.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application. He submits that 2 cases under Section 294, 323, 506 of the IPC and 379 of the IPC have been registered against applicant No.1- Ajay Kumar Mandavi in the year 2018, however, applicant No.2- Jeevan Mandavi has no criminal antecedent.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances and the nature of allegations against the applicants; the applicants are aged about 20 years and yet charge sheet has not been filed and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the application is allowed.
6. It is directed that in the event of the 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, they shall be released on bail, on the following conditions:-

(a) 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 them from disclosing such fact to the Court.

(b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

(d) they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Gautam Chourdiya)
Judge