

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 267 of 2021

1. Sawan Kumar Baghel S/o Harivansh Das Aged About 31 Years R/o. Vill. Jejga (Jajga), Police Station Lakhanpur, District Surguja (Chhattisgarh), District : Surguja (Ambikapur), Chhattisgarh
2. Sangam Das S/o Late Bharat Das Aged About 20 Years R/o. Vill. Jejga (Jajga), Police Station Lakhanpur, District Surguja (Chhattisgarh), District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Basantpur, District Balrampur- Ramanujganj (Chhattisgarh), District : Balrampur, Chhattisgarh

--Non-Applicant

For Applicants	: Shri A.K.Shukla, Advocate
For Non-Applicant/State	: Ms. Shubhra Shrivastava, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

18.2.2021

- 1) The applicants have preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 30.10.2020 in connection with Crime No.163/2020, registered at Police Station- Basantpur, District Balrampur- Ramanujganj (CG) for the offence punishable under Sections 342, 392, 34 of the IPC.
- 2) Case of the prosecution is that the complainant has lodged a report that on 20.10.2020 at 12.30 pm, when he was alone in the office, two persons came there wearing helmet and covered face with a towel, looted cash of Rs.11660/- from the drawer and Rs.43245/- from locker and a mobile phone. The applicants were identified and a Scooty, Rs.18,000/-, helmet and mobile phone has been recovered from them.

- 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 applicants are employee of the complainant and as they had gone to demand their remuneration, the complainant has falsely implicated them in the offence. He submits that as the applicants have been arrested on 31.10.2020 and trial is likely to take some time for its final disposal, therefore, the applicants may be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application. However, he submits that there is no criminal antecedents against the applicants.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case; looking to the age of the applicants; their detention period; charge sheet has been filed and as stated by learned counsel for the State there is no criminal antecedents against the applicants; 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

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