

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 449 of 2021

- Tulsi Joshi, D/o Puran Joshi, Aged About 22 Years, R/o Shantipara, Camp-2, Bhilai, Police Station Chhawani, Tahsil and District Durg, Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh, Through: Police Station Chhawani, District-Durg, Chhattisgarh. **---- Non-Applicant/State**

For Applicant : Shri Dashrath Koshwaha, Advocate
For Non-Applicant/State : Smt. Seema Dixit, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

01.03.2021

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 08.06.2020 in connection with Crime No.304/2020, at Police Station- Chhawani, District-Durg (C.G.) for the offence punishable under Section 392/34 of I.P.C.
2. Case of the prosecution, in brief, is that on 30.05.2020 at night the complainant went for walk to Zone-01, Sector-11, Khursipar Shivalay, at about 8 p.m. he was returning towards his home, near Vinay Studio, at main gate of Goutam Nagar, the applicant alongwith co-accused person snatched the mobile handset from hands the complainant and ran away. On report being lodged to the above effect, offence under the aforesaid Section has been registered against the applicant and co-accused person.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated, she has not committed any offence. The counsel for the applicant further

submits that co-accused person has already been released on bail by the co-ordinate Bench of this Court vide order dated 17.09.2020 in MCRC No. 4811 of 2020, the applicant/accused has no criminal antecedents, there is no likelihood of the applicant tempering with the prosecution evidence or absconding, the applicant is in jail since 08.06.2020, charge-sheet has already been filed, conclusion of the trial is likely to take some time, therefore, at this stage, she may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that the applicant has no criminal antecedents.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, detention period of the applicant, the fact that the co-accused person has already been granted bail by the co-ordinate Bench of this Court, the applicant has no criminal antecedents, there is no likelihood of the applicant tempering with the prosecution evidence or absconding as admitted by both the counsels, charge-sheet has already been filed and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
6. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with one surety of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, she shall be released on bail on following conditions:-
 - (a) she 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) she shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) she shall appear before the trial Court on each and every date given to her by the said

Court till disposal of the trial.

(d) she shall not involve herself 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 the Bench.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of the applicant involving herself in similar offence in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim