

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 310 of 2021

- Anmol Vasnik S/o Kishore Vasnik, aged about 19 years, R/o Kalipur Atal Awas Jagdalpur, District Bastar (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : The Police Station Kotwali, District Bastar (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Pravin Kumar Tulyan, Advocate
For Non-Applicant/State	:	Shri Vimlesh Bajpai, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

12.03.2021

1. During the course of hearing of this case, it is pointed out by the Court that the date of arrest of the applicant has wrongly been mentioned as 16.12.2020 in place of 16.10.2020 in the synopsis of the bail application by the learned counsel for the applicant. Let it be corrected in the Court itself.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 16.10.2020 in connection with Crime No. 461/2020 registered in Police Station- Kotwali, District Bastar for the offence punishable under Sections 457 & 380/34 of IPC.
3. Allegation against the present applicant is that on 09.10.2020 in the night, he alongwith co-accused namely Abhay Masih & Adarsh Kumar @ Anand, after breaking the lock of the door, entered into house of complainant Ravi Kumar Pathak and committed theft of TV, Watch, bronze utensils, bag and jewelery etc. amounting to Rs.2,21,621/-.
4. Learned counsel for the applicant submits that the F.I.R. was lodged against the unknown person and the applicant has been falsely implicated in this crime. He further submits that the applicant is languishing in jail since 16.10.2020, charge-sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. He submits that there are three other criminal antecedents of the applicant as Crime No. 27/2020, 118/2020 registered in Police Station Kotwali, District Bastar under Sections 294, 323 & 506 of IPC and Crime No. 214/2020 registered in Police Station Frezerpur, District Bastar under Sections 457 & 380 of IPC.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the age of the applicant i.e. 19 years, his detention period, charge-sheet has already been filed, conclusion of the trial is likely to take some time, and that there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, the application is allowed.
7. It is directed that in the event of applicant 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. 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 the Bench.
8. 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 offence in future.

Sd/-
(Gautam Chourdiya)
Judge