

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 269 of 2021

1. Ramesh Tirkey S/o Balram Tirkey, Aged About 22 Years R/o Village Bangaon Out - Post Kotwa Police Station Bagbahar District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh
2. Sunil Ekka S/o Zahar Sai Aged About 30 Years R/o Village, Police Station And Tahsil Sitapur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh, Through, Station House Officer, Police Station - Batauli District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

--Non-Applicant

For Applicants	: Shri Sanjay Pathak, 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 18.09.2020 in connection with Crime No.76/2020, registered at Police Station- Batauli, District Surguja (CG) for the offence punishable under Sections 457, 380, 34 of the IPC.
- 2) Case of the prosecution is that the complainant has lodged a report that on 18.8.2020, some unknown persons have committed theft of 48 pieces of battery from the Sedam Tower. During investigation, on the memorandum of the applicants, they were taken into custody and the batteries were seized from their possession.
- 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 submits that the co-accused have been released on bail by this Court in MCRC No.8925 of 2020 vide order dated 8.1.2021. He submits that the applicants have been arrested on 18.9.2020 and they have no criminal antecedents 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 and the nature of allegations and 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; the co-accused have already been released on bail by this Court; 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.50,000/- with two sureties of Rs. 25,000/- 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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