

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 673 of 2021**

1. Govind S/o Shri Vishnu Chakradhari Aged About 20 Years R/o Village Kikirmeta, Post Belhari, P.S. Utai, Tehsil And District Durg Chhattisgarh., District : Durg, Chhattisgarh
2. Gajendra Chakradhari S/o Rajendra Kumar Chakradhari Aged About 26 Years R/o Village Kikirmeta, Post Belhari, P.S. Utai, Tehsil And District Durg Chhattisgarh., District : Durg, Chhattisgarh ---- **Applicants**

**Versus**

- State of Chhattisgarh Through Station House Officer, P.S. Utai, District Durg Chhattisgarh., District : Durg, Chhattisgarh ---- **Non-applicant**

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For Applicants : Mrs. Anju Ahuja, Advocate.

For State : Mr. Vaibhav Singh, Panel Lawyer

**Hon'ble Shri Justice Gautam Chourdiya****Order on Board****02-03-2021**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as they are in jail since 13-10-2020 in connection with Crime No. 34 of 2020 registered at Police Station Utai, District Durg (CG) for the offence punishable under Sections 392 and 34 of IPC.
2. Allegation against the present applicants is that on 9-2-2020 at about 9.00 pm the complainant Dayanand Sahu was returning to his house from Durg to Parsahi and when he reached near the canal situated at village Patora Khopli, they stopped him, threw

his motor-cycle key and robbed Rs.5000/- and mobile telephone worth Rs.12500/- from him.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case, the offence is triable by the Magistrate, the applicants are first and young offenders aged about 20 and 26 years, except present one, they have no other criminal antecedents, they are in jail since 13-10-2020 and conclusion of the trial is likely to take some time for its final disposal, therefore they may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the present applicants have no other criminal antecedents.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, looking to the nature of offence, the fact that the offence is triable by the Magistrate, the detention period of the applicants, the applicants have no other criminal antecedents and there is no apprehension of the applicants tampering with the evidence of absconding as admitted by both the parties and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicants.

7. Accordingly, the application is allowed and it is directed that the applicants shall be released on bail on each of them 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 appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicants are being granted bail on the following conditions:

- i. 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 him from disclosing such fact to the Court,
- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- iv. 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 this court.

Sd/-

**(Gautam Chourdiya)**  
**Judge**

Raju