

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 338 of 2021

- Ashutosh Singh son of Kamlakar Singh, aged about 36 years, resident of Itori, Police Station- Jawa, District Riva (M.P.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station – Shankargarh, District Balrampur-Ramanujganj (C.G.)

---- State/Non-applicant

For Applicant : Shri Prabhakar Tiwari, Advocate

For Non-Applicant/State : Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

22.02.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 12.12.2020 in connection with Crime No. 132/2020 registered in Police Station- Shankargarh, District Balrampur-Ramanujganj (CG) for the offence punishable under Sections 392, 420 read with Section 34 of IPC.
2. Prosecution case in brief is that on 10.12.2020, the worship was going on in the house of complainant Rupesh Kumar Agrawal which was performed by accused persons namely Sanjay Sharma @ Sachidanand, Sanjay Mishra & present applicant Ashutosh Singh. After the worship, they went to river for disposal of worship's articles, at that time, the accused persons pulled the complainant, due to which he fell down and the accused persons looted the golden chain of the complainant, golden idols of Lord Ganesh & Goddess Laxmi and cash of Rs.1,71,000/-.
3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He also submits that the applicant is in jail since 12.12.2020, charge-sheet has been filed and conclusion of the trial is likely to take some time, therefore, the applicant be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, considering the age of the present applicant, his detention period, entire investigation has been completed, recovery has been made from him, charge-sheet has already been filed, conclusion of the trial is likely to take some time, he is the first offender, he has no criminal antecedent as admitted by both the counsel and there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail application is allowed.
6. 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.

Sd/-
(Gautam Chourdiya)
Judge