

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 294 of 2021

- Ramkumar Upadhyay S/o Late Rajaram, aged about 50 years, R/o Gram Panchayat Chakarbhata Basti, P.S. Chakarbhata, Tahsil – Bilha, District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, through the Station House Officer Chakarbhata, P.S. Chakarbhata, District Bilaspur (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Rohit Sharma, Advocate
For Non-Applicant/State	:	Shri B.L. Sahu, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

18.02.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 30.12.2020 in connection with Crime No. 225/2019 registered in Police Station- Chakarbhata, District Bilaspur (CG) for the offence punishable under Sections 379 & 201 of IPC.
2. Prosecution case in brief is that on 14.11.2019 complainant Sandeep Singh Parihar lodged a report of theft of his Goods-Auto bearing registration No. CG 10 AT 2440 from near vicinity of Anurag School, Chakarbhata where he had parked his vehicle. Offence was registered against unknown person. During investigation, the said auto of the complainant was seized from the possession of the applicant which he was driving by changing its number as CG 10 O 4668.
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 30.12.2020, 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 detention period of the applicant, charge-sheet has already been filed, conclusion of the trial is likely to take some time, 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