

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 443 of 2021**

- Narad Das Gendre, S/o Bhuneshwar Gendre @ Puneshwar Gendra, aged about 30 Years, R/o Village Biladi, Police Station Tilda, District Raipur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Police Station Bemetara, District Bemetara, Chhattisgarh.

----Non-applicant

For Applicant	Shri Dashrath Kushwaha, Advocate.
For State	Shri V.K. Agrawal, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

01/03/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.715/2020 registered at Police Station Bemetara, District Bemetara, C.G. for the offence punishable under Sections 454, 380, 411/34 of Indian Penal Code.
2. Allegation against the present applicant by the complainant-Pradhuman Koshle is that applicant entered his home and stole cash of Rs.50,000/- and golden ornaments. During investigation, statement of the informant/complainant was recorded and the accused/applicant was apprehended. In his memorandum, the applicant admitted commission of the offence.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the seizure that has been made from the applicant does not lead to his connection with the offence committed. The applicant is in jail since 20.11.2020, charge sheet has already been filed and conclusion of 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. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the detention period of the applicant, who is aged 30 years, charge sheet has already been filed, the fact that the applicant has no criminal antecedent and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. 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.

Sd/-
Gautam Chourdiya
Judge

Akhilesh