

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1044 of 2021

- Rahul Sahani, S/o Rajesh Sahani, Aged About 18 Years, R/o Ward No. 15. Renjarpara Sarangarh, P.S. and Tehsil- Sarangarh, District- Raigarh, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through: Police Station Sarangarh, District- Raigarh, Chhattisgarh.

---- Non-Applicant/State

For Applicant	:	Shri Vikas Shrivastava, Advocate
For Non-Applicant/State	:	Shri Amit Singh, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

24.03.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 04.11.2020 in connection with Crime No.732/2020, at Police Station- Sarangarh, District- Raigarh (C.G.) for the offence punishable under Section 380, 457, 34 of I.P.C.
2. Case of the prosecution, in brief, is that in the night intervening 01.11.2020- 02.11.2020 in Giri Vilas Palace two Nos. of heritage antique silver tray of 4-4 kg worth Rs.6,17,000/-, which was placed on dining table of the palace, was stolen by unknown person. During investigation it was found that theft was committed by the co-accused person Juvenile in conflict with law "A" alongwith the present applicant.
3. Learned counsel for the applicant submits that the allegation

against the applicant is false and fabricated, he is falsely implicated in the case. He submits that the applicant/accused is young offender, he is in jail since 04.11.2020, he has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that the applicant has no criminal antecedents.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, detention period of the applicant who is 18 years of old, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, the application is allowed.
6. It is directed that in the event of the 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 following conditions:-
 - (a) 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.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (d) 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.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim