

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 773 of 2021

1. Sumit @ Sonu Sahu S/o Shri Rajkumar Sahu, Aged About 25 Years, R/o Village And Post- Near Gitti Khadan, Aadiwasi Colony Kushaapur, Police Station- Purani Basti, Tahsil And District- Raipur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through S.H.O. Purani Basti, District- Raipur (C.G.).

---- Non-Applicant

For Applicant	:	Ms. Laxmin Tondey, Advocate.
For Non-Applicant/State	:	Mr. Vaibhav Singh, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

03/02/2021

- 1) Heard on admission.
- 2) The application is admitted for hearing.
- 3) Case dairy is available with the State Counsel.
- 4) With the consent of the parties, the matter is heard finally.
- 5) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 09/10/2020 in connection with Crime No. 285/2020 registered at Police Station Purani Basti, District- Raipur (C.G.) for the offence under Sections 457 & 380 of IPC.
- 6) Case of the prosecution, in brief is that on 06/10/2020 at about 10 AM when the complainant Akansha Tiwari returned to her home from the house of her maternal uncle, she found the lock of the door of her home broken and that golden ring, mangalsutra and cash or Rs. 9,000/- were stolen by some unknown person. During

investigation the present applicant was arrested and on his memorandum, the stolen articles were seized from him. On report being lodged to the above effect, the aforesaid offence has been registered against the applicant.

- 7) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. The applicant is in jail since 09/10/2020, charge sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the present applicant be released on bail.
- 8) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 9) Heard learned counsel for the parties.
- 10) Considering the facts and circumstances of the case, the age of the applicant, the detention period of the applicant, the fact that no similar nature of offence is registered against the applicant from 2013 to 2020, that one criminal antecedent of the applicant under Section 327 & 307 of IPC is of the year 2012, charge sheet has already been filed and that the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant executing a personal bond for a sum of **Rs. 50,000/-** with **two** sureties of Rs. 25,000/- 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 air 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**

Chandrakant