

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 784 of 2021**

- Tarun Jain, S/o Rajesh Jain, aged about 19 Years, Caste Marwadi, R/o Jangalpara, Nagri, Police Station Nagri, Tahsil Nagri, District Dhamtari, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Narharpur, District Uttar Bastar Kanker, Chhattisgarh.

----Non-applicant

MCRC No. 1136 of 2021

- Sagar Tahalwani, S/o Ramesh Tahalwani, aged about 23 Years, R/o- Jangalpara, Nagri, Police Station- Nagri, Tahsil- Nagri, District- Dhamtari (Chhattisgarh).

----Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station- Narharpur, District- Uttar Bastar Kanker (Chhattisgarh).

----Non-applicant

For Applicants
For State

Shri Shivendu Pandya, Advocate.
Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****02/03/2021**

1. As both these applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.188/2020 registered at Police Station Narharpur, District Uttar Bastar, Kanker, C.G. for the offence punishable under Sections 457, 380, 34 of Indian Penal Code., they are being disposed of by this common order.

2. Case of the prosecution, in brief, is that on 14.12.2020, complainant lodged a report alleging in it that when she was not present at home, at that time some unknown persons entered her home and committed theft of cash of Rs.1,26,700/- and golden & silver ornaments. During investigation, statement of the informant/complainant was recorded and the accused persons were apprehended. In the memorandum of the accused persons, they admitted commission of the offence. From the present applicants, the stolen articles worth Rs.19,700/- were seized.
3. Learned counsel for the applicants submits that applicants are innocent persons and have been falsely implicated in this case. He submits that the seizure that has been made from the applicants does not lead to their connection with the offence committed. The applicants are in jail since 14.12.2020, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, the applicants be released on bail.
4. On the other hand, learned counsel for the State opposes the bail applications. However, he submits that applicant Tarun Jain has no criminal antecedent whereas applicant- Sagar Tajalwani has only one criminal antecedent of similar nature.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the detention period of the applicants, charge sheet has already been filed, the fact that the applicant- Tarun Jain has no criminal antecedent whereas applicant- Sagar Tahalwani has only one criminal

antecedent of similar nature and there is no likelihood of the applicants 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 applicants. Accordingly, the application is allowed. It is directed that in the event of each of the applicants 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, they shall be released on bail on the following conditions:-

- (i) they 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) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (iv) they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to this Court.

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

Sd/-
Gautam Chourdiya
Judge