

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 850 of 2021

- Shiv Pradhan @ Shib S/o Anam Pradhan Aged About 34 Years R/o- Village- Kodla Inam Belpada, Police Station- Kodla, District- Ganjam (Odisha). Present R/o- Kenal Sahi Paileepada, Police Station- Gangapur, District- Ganjam (Odisha), District : Ganjam, Orissa

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Basna, District- Mahasamund, Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Non-Applicant

For Applicant	:	Shri Shivendu Pandya, Advocate
For Non-Applicant	:	Shri Sameer Uraon, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

19/03/2021

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 25.12.2020 in connection with Crime No.516/2020, registered at Police Station- Basna, District- Mahasamund (C.G.) for the offence punishable under Section 379 of the IPC.
2. Case of the prosecution is that the present applicant along with other co-accused person committed theft of Rs.50,000/-, ATM Card and Bank pass-book from the complainant kept in the Dicky of the motorcycle. On the basis of memorandum, the applicant has been arrested and Rs. 2000/- were seized from his possession.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated, he is falsely implicated in the case. He submits that the report was lodged against unknown

persons and the stolen property was seized from the possession of the co-accused. He submits that charge sheet has been filed and conclusion of trial may take some time, therefore, at this stage, the applicant may be granted bail.

4. On the other hand, learned counsel for the Non-Applciant/State opposes prayer for grant of bail and submits that one criminal case is registered against the applicant under the NDPS Act.
5. Having considered the submission made by learned counsel for the parties and the nature of allegations against the applicant and the offence under Section 379 of the IPC; age and detention period of the applicant; charge sheet has been filed and conclusion of trial may take some time, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is allowed.
7. 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.

Sd/
(Gautam Chourdiya)
Judge