

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 866 of 2021

- Dev Kumar Shriwas, aged about 27 years, Son of Ram Lal Shriwas, Caste Nai, R/o Ward No. 01, Karma Beltara, Police Station Ratanpur, District Bilaspur (C.G.), At present Jyoti Nagar Deepka, Tahsil Katghora, District Korba (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : The Station House Officer, Police Station Deepka, District Korba (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Basant Kaiwartya, Advocate
For Non-Applicant/State	:	Shri Dinesh Kumar Tiwari, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

19.03.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 19.01.2021 in connection with Crime No. 23/2020 registered in Police Station- Deepka, District Korba (CG) for the offence punishable under Sections 447, 379, 468 & 471 of IPC.
2. Case of the prosecution in brief is that on 12.02.2020 complainant Manoj Kumar Tiwari lodged the report stating that on 11.02.2020 at about 11:00 pm, the in-charge of Coal Fresh Waste Enquiry informed that the diesel of PC Machine No. 197 has been stolen by unknown persons. However, by the time, the patrolling authority reached there, the said unknown persons had run away from the spot, but their Bolero vehicle bearing registration No. CG-04 AT – 0737 was left there by them in which total 175 liters of diesel was kept in jerrycan along pipe and the same were seized. During investigation, on inquiry from one Swami Chudamani who is the owner of the said Bolero, he stated that he had given the vehicle to Dev Kumar Shriwas (applicant). Thereafter, the applicant was arrested by the police.
3. Learned counsel for the applicant submits that the applicant is an innocent

person and has been falsely implicated in the crime in question. He also submits that the applicant is in jail since 19.01.2021, charge-sheet has been filed and conclusion of the 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. Considering the facts and circumstances of the case, the detention period of the applicant who is 27 years old, charge-sheet has already been filed and conclusion of the trial is likely to take some time, there is only one criminal antecedent of the applicant under the Gambling Act of the year 2015 as stated by the learned counsel for the State, there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail application is allowed.
6. 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 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Gautam Chourdiya)
Judge