

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1004 of 2021**

1. Suman Kumar Sah, S/o Late Shivji Sah, aged about 20 Years, R/o Birpur, Ward No. 6, Police Station Birpur, District Begusarai (Bihar).
2. Sanjay Soni, S/o Late Mohit Prasad Sah, aged about 42 Years, R/o Balha Bazar, Police Station Manshi, District- Khagediya (Bihar).

**----Applicants****Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Balrampur, District Balrampur- Ramanujganj, Chhattisgarh.

**----Non-applicant**


---

|                |                                       |
|----------------|---------------------------------------|
| For Applicants | Shri Sachin Singh Rajput, Advocate.   |
| For State      | Shri Ayaz Naved, Government Advocate. |

---

**Hon'ble Shri Justice Gautam Chourdiya****Order on Board****28/06/2021**

1. The matter is heard through Video Conferencing.
2. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No.05/2021 registered at Police Station Balrampur, District Balrampur-Ramanujganj, C.G. for the offence punishable under Sections 420, 406 read with 34 of Indian Penal Code.
3. Allegation against the present applicants is that on 07.01.2021 at about 11:30 pm, they fraudulently obtained the gold ornaments

from the complainant- Rakesh Singh for cleaning the same and thereafter they fled away with said ornaments.

4. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime. He submits that the applicants did not fraudulently obtain gold ornaments from the complainant, they are languishing in jail since 13.01.2021, they have no criminal antecedents and conclusion of trial is likely to take some time. Therefore, the applicants be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicants have no criminal antecedents.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation leveled against the present applicants, the detention period of the applicants, who are 20 & 42 years old respectively, the offence is triable by the Magistrate First Class and the fact that the applicants have no criminal antecedents 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, 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.2,00,000/- with two sureties of Rs.1,00,000/- 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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) they shall not involve themselves in any offence of similar nature in future.

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

Akhilesh