

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C.(A) No. 217 of 2021

- Pankaj Jhabak, Son of Shri Sureshchand Jhabak, aged about 28 years, resident of D-26, Shelendra Nagar, Police Station Kotwali Raipur, Tehsil and District Raipur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, through the Station House Officer, Police Station City Kotwali, Raipur, District Raipur (C.G.)

---- State/Non-Applicant

For Applicant : Shri B.P. Sharma, Advocate

For Non-Applicant/State : Shri Chitendra Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

29.06.2021

1. Heard.
2. Applicant has preferred this first bail application under Section 438 Cr.P.C as he is apprehending his arrest in connection with Crime No. 344/2020, registered at Police Station – City Kotwali, Raipur (C.G.) for the offence punishable under Sections 381, 120-B read with Section 34 of the IPC.
3. Prosecution case in brief is that complainant Rajesh Kumar Nimaani lodged a report that his house maid namely Rinki Tandi and Yogeshwari Patel have stolen the jewelery from his almirah. During investigation, Rinki, Yogeshwari and co-accused namely Arif were arrested and it was revealed that they have stolen the jewelery and Arif mortgaged the golden articles with the present applicant. Allegation against the present applicant is that he received the stolen property from co-accused Arif and gave him Rs.1,00,000/-.
4. Learned counsel for the applicant submits that the applicant is innocent person and has been falsely implicated in this case. He submits that there is

no specific allegation made against the applicant that he was involved in commission of theft of the jewelery. He submits that co-accused Arif has been granted bail by the trial Court and copy of the bail order is marked as Annexure-A/2 in present bail application. He also submits that if the applicant is granted anticipatory bail, there is no likelihood of the applicant tampering with the prosecution evidence or absconding and due to Covid-19 situation the trial of the case is likely to take some time for its final disposal. Therefore, the applicant be released on anticipatory bail by this Court.

5. On the other hand, learned counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties.
7. Having regard to the facts and circumstances of the case, the fact that the theft was allegedly committed by accused Rinki Tandi and Yogeshwari Patel and co-accused Arif has mortgaged the jewelery with the present applicant, co-accused Arif has already been granted bail by the trial court, that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel and looking to the Covid-19 situation, conclusion of the trial may take some time, without commenting anything on merits of the case, I am inclined to release the applicant on anticipatory bail.
8. Accordingly, the bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on his furnishing a personal bond in the sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the Arresting Officer subject to the following terms and 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/her from disclosing such fact to the Court or to the Investigating Officer.

- ii. he shall not act in any manner which will be prejudicial to fair investigation and expeditious trial, and
 - iii. he shall make himself available for interrogation by a police officer as and when required.
 - iv. he shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.
9. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving himself in similar nature of offence.

Sd/-

(Gautam Chourdiya)
Judge