

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1022 of 2021

1. Amit Thakur S/o Lalit Singh Thakur, Aged About 24 Years, R/o Tikripara, Takhatpur, Police Station Takhatpur, District Bilaspur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through S.H.O., Police Station Takhatpur, District Bilaspur (C.G.).

---- Non-Applicant

For Applicant	: Mr. Ravindra Sharma, Advocate.
For Non-Applicant/State	: Mr. Ajay Kumrani, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

22/03/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 17/01/2021 in connection with Crime No. 331/2021 registered at Police Station Takhatpur, District Bilaspur (C.G.) for the offence under Sections 457 & 380 of IPC.
- 2) Case of the prosecution, in brief, is that on 06/11/2020 complainant Heeralal Dewangan, Director of Narmada Public School, Belpan, lodged a report that in the night intervening 5th & 6th November 2020 some unknown persons committed theft of Mark Sheets of students of Class-III to Class-VIII i.e. 200 in number, Seal Pad, 8 plastic Chairs, 14 Ceiling Fans, wiring Wire, 10 Modular Boards, 1 Stepney of School Bus, 1 Submersible Pump, total worth Rs. 70,000/-. During investigation the applicant was arrested and in his memorandum he admitted the commission of crime. From possession of the applicant 8 old Ceiling Fans were seized.

- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He further submits that the applicant has been arrested on 17/01/2021, charge sheet has already been filed, applicant has no criminal antecedents and conclusion of trial is likely to take some time for its disposal. Therefore, the applicant deserve to be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. However, he submits that the applicant has no criminal antecedents.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicant who is 24 years old, charge sheet has already been filed, and the fact that the applicant has no criminal antecedent and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, and the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. 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 Court.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant