

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 995 of 2021

1. Varun S/o Khelsingh, aged about 25 years, R/o Village Chitwahi, P.S. & Tehsil Tamnar, & District Raigarh (C.G.)
2. Kailash S/o Punidas, aged about 24 years, R/o Village Chitwahi, P.S. Tamnar, District Raigarh (C.G.)
3. Janakram, S/o Jethuram, aged about 30 years, R/o Village Bajarmuda, P.S. Tamnar, District Raigarh (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through the Police Station Tamnar, District Raigarh (C.G.)

---- State/Non-applicant

For Applicants	:	Shri Anuroop Panda, Advocate
For Non-Applicant/State	:	Shri Shrikant Kaushik, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

22.03.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 13.01.2021 in connection with Crime No. 355/2020 registered in Police Station- Tamnar, District Raigarh (CG) for the offence punishable under Sections 457 & 380 read with Section 34 of IPC.
2. As per prosecution story, the complainant has a grocery shop at village Saraideepa, P.S. Tamnar. On 13.10.2020 at about 03:00 hours, the complainant was told by children of the village that the lock of his shop was broken and the doors were open. Thereafter, the complainant and his mother went to shop and found that grocery items, two silver coins and cash total amounting to Rs.50,000/- were stolen by the unknown persons. Therefore, the written report was lodged by the complainant against the unknown persons in the Police Station. During investigation, all the applicants were arrested on 13.01.2021 and on the basis of their memorandums, the stolen properties were seized by the police from the possession of the applicants.

3. Learned counsel for the applicants submits that the applicants are the innocent persons and have been falsely implicated in the crime in question. He also submits that the applicants are in jail since 13.01.2021, charge-sheet has been filed and conclusion of the trial is likely to take some time, therefore, the applicants 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, on the memorandums of the applicants, the stolen properties have already been seized from their possession, the detention period of the applicants who are 25, 24 & 30 years old, charge-sheet has already been filed, conclusion of the trial is likely to take some time and there is no apprehension of the applicants 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 each of the applicants 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, 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 not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Gautam Chourdiya)
Judge