

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1266 of 2021

1. Suraj Kashyap S/o Parmeshvar Kashyap, Aged About 21 Years
R/o Village Tekar, Police Station Sipat, District Bilaspur (C.G.).

---- Applicant

Versus

1. The State Of Chhattisgarh, Through Thana In Charge Police
Station Civil Line, District Bilaspur (C.G.).

---- Non-Applicant

For Applicant	: Mr. Rohit sharma, Advocate.
For Non-Applicant/State	: Mr. Anand Verma, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

01/07/2021

- 1) The matter is heard through Video Conferencing.
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 12/01/2021 in connection with Crime No. 50/2021 registered at Police Station Civil Line, District Bilaspur (C.G.) for the offence punishable under Section 379 of Indian Penal Code.
- 3) Allegation against the applicant is that on 09/01/2021 at about 7:10 PM he committed theft of motorcycle of complainant Phool Chand Banjare which he had parked in front of a Dairy. During investigation, the applicant was arrested on suspicion and on his memorandum the said motorcycle was seized from his possession. On report being lodged to the above effect, offence has been registered against the present applicant.
- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the applicant has been arrested on 12/01/2021, charge sheet

has been filed and trial is likely to take some time for its disposal. He further submits that as per instructions, the applicant has no criminal antecedents and he is the first offender. Therefore, the applicant be released on bail.

- 5) On the other hand, learned counsel for the respondent/State opposes the bail application. He further submits that though no other crime is registered against the applicant in Police Station Civil Lines, Bilaspur but there are certain other criminal antecedents of the applicant in other Police Station.
- 6) Heard Counsel for the parties.
- 7) Considering the facts and circumstances of the case, the detention period of the applicant who is 21 years old, offence is triable by Magistrate, charge sheet has already been filed, the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. It is directed that in the event of the applicant executing a personal **bond** for a sum of **Rs. 2,00,000/-** with two sureties of Rs. 1,00,000/- 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 strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority.

- v. he shall not involve himself 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 applicant involving himself in similar offence in future.

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

Chandrakant