

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1111 of 2021

1. Devendra Kumar Yadav, S/o Shri Jagdish Yadav, aged about 21 Years, Caste Raut, R/o Adarsh Nagar, Basna, Police Station Basna, District Mahasamund, Chhattisgarh.
2. Arun @ Shaikh Ashif, S/o Shri Taushik Imam, aged about 30 Years, R/o Adarsh Nagar, Basna, Police Station Basna, District Mahasamund, Chhattisgarh.

----Applicants

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Basna, District Mahasamund, Chhattisgarh.

----Non-applicant

For Applicants	Shri Sunil Verma, Advocate.
For State	Shri Amit Singh Chauhan, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

05/04/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicants for grant of bail as they are in custody since 07.01.2021 in connection with Crime No. 10/2021 registered at Police Station Basna, District Mahasamund, C.G. for the offence under Sections 457, 380, 34 of Indian Penal Code.
- 2) Case of the prosecution, in brief, is that on 05.01.2021, complainant- Abdul Ajim Khan lodged a report alleging in it that while he was not present at home from 15.12.2020 to 02.01.2021, during this period some unknown persons entered his home and stole one sewing machine, one pico machine, gas cylinder, one voltas company AC, saree and salwar suit, two silver coins, gold mangalsutra and cash of

Rs.8000/- kept in the house. During investigation, statement of the informant/complainant was recorded and the accused persons were apprehended. In the memorandum of the accused persons, they admitted commission of the offence and the stolen articles were recovered from their possession.

- 3) Learned counsel for the applicants submits that applicants are innocent persons and have been falsely implicated in this case. He submits that the seizure that has been made from the applicants does not lead to their connection with the offence committed. The applicants are in jail since 07.01.2021, charge sheet has already been filed and conclusion of 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) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicants, who are aged 21 & 30 years respectively, charge sheet has already been filed, the offence is triable by Magistrate, 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, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, 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.50,000/- with two sureties

of Rs.25,000/- 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 this Court.

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