

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1180 of 2021**

1. Anil Kumar Banjare s/o. Late Milan Banjare, aged about 29 years.
2. Pushkar Goswami s/o. Late Chandrahaas Goswami, aged about 40 years.

Both are residents of village Kosrangi, Police Station Khallari, District Mahasamund
---- Applicants

Versus

- State of Chhattisgarh through Police Station m Khallari, District Mahasamund Chhattisgarh
---- Non-applicant

For Applicants : Mr. Shubhank Tiwari, Advocate.

For State : Mr. Vimlesh Bajpai, Govt. Advocate

Hon'ble Shri Justice Narendra Kumar Vyas**Order on Board****26-05-2021**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as they are in jail since 1-2-2021 in connection with Crime No. 189 of 2020 registered at Police Station Khallari, District Mahasamund 457, 380, 34 of IPC.
2. The case of the prosecution, in brief, is that on 22-10-2020 complainant Omanlal Sahu lodged report stating therein that on 21-10-2020 he went to Shitla Mata temple for pooja and whe he returned back around 10 pm on the same day, his wife told him that at around 9.30 pm two boys came to their home and

informed her that their son is returning from Raipur and told them to prepare dinner for him and one person entered the room and committed theft of Rs.65,000/- from box and other articles worth Rs.75,500/-, thereby the aforesaid offence has been committed.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case, there is no direct or indirect involvement of the applicants in the said crime. He would further submit that the offence is triable by the Magistrate, the applicants are permanent residents of the given address in the cause title, they are in jail since 1-2-2021 and conclusion of the trial is likely to take some time, therefore they may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, nature of offence, the fact that the offence is triable by the Magistrate, and further considering the detention period of the applicants who were in custody since 1-2-2021, till date trial is not completed due to ongoing pandemic Covid-19 and there is no likelihood of the applicants tampering with evidence or absconding and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit

case to grant bail to the applicants.

7. Accordingly, the application is allowed and it is directed that the applicants shall be released on bail on each of them furnishing 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 appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicants are being granted 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,
- 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, and
- iv. they shall not involve himself 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.

In view of the above. I.A.No. 1 of 2021, application for urgent hearing and I.A.No.2 of 202, application for hearing during summer vacation also stand disposed of.

Sd/-

(Narendra Kumar Vyas)
Vacation Judge

Raju