

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1243 of 2021**

- Rajmal, S/o Sheku, aged about 28 Years, R/o Tadvi, Village Poha, Police Station Udaygarh, District Alirajpur (M.P.).

----Applicant

Versus

- State of Chhattisgarh, Through - Station House Officer, Police Station Pandri, Raipur, District Raipur, Chhattisgarh.

----Non-applicant

MCRC No. 1522 of 2021

- Belsingh, S/o Jhaitu, aged about 28 Years, Resident of Thandla, Police Station Udaygarh, District Alirajpur, Madhya Pradesh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Pandri, Raipur, District Raipur, Chhattisgarh.

---- Non-applicant

MCRC No. 1617 of 2021

- Bharat Bhuriya, S/o Shekuram, aged about 24 Years, R/o Kedar Faliya, Village Chhoti, Jamali, Police Station Udaygarh, District Alirajpur, Madhya Pradesh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Pandri Raipur, District Raipur, Chhattisgarh.

---Non-applicant

For Applicants	Shri C.R. Sahu, Advocate.
For State	Shri Shreshta Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya **Order on Board**

15.07.2021

1. First bail applications preferred by the applicants were dismissed as withdrawn vide order dated 04.12.2020 passed in MCRC No.6254 of 2020, MCRC No.6332 of 2020 & MCRC No.6478 of 2020.
2. As all these second bail applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.267/2019 registered at Police Station Pandri, Raipur, District Raipur, C.G., for the offence punishable under Sections 457, 380, 34 of Indian Penal Code, they are being disposed of by this common order.
3. Prosecution case is that in the intervening night of 01.07.2019 & 02.07.2019, applicants committed theft of some valuable articles worth Rs.4,40,000/- from the house of the complainant. During investigation, statement of the informant/complainant was recorded and the accused persons were apprehended.
4. Learned counsel for the applicants submits that applicants are innocent persons and have been falsely implicated in this case. He submits that there is no direct proof of applicants involvement in the alleged crime. The applicants are in jail since 18.12.2019, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, the applicants be released on bail.
5. On the other hand, learned counsel for the State opposes the bail applications. He submits that there are number of criminal antecedents of the present applicants.

6. Heard learned counsel for the parties.

7. Considering the facts and circumstances of the case, the detention period of the applicants, who are 28 & 24 years old, charge sheet has already been filed, the offence is triable by Magistrate and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic, 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 applications are allowed. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- 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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) they shall not involve themselves 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 applicants involving themselves in similar offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh