

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1637 of 2021**

Nansai S/o Ramsai, Aged About 42 Years Caste - Dhanuhar,  
R/o Village - Pali, Police Station - Passan, District - Korba  
Chhattisgarh.

**---- Applicant****Versus**

State of Chhattisgarh Through - Station House Officer, Police  
Station - Passan, District - Korba Chhattisgarh

**---- Non-applicant**

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For Applicant : Shri Aditya Khare, Advocate

For Non-applicant/State : Ms. Anjali Singh Chouhan, Panel Lawyer  
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***(Proceedings through Video Conferencing)***  
**Hon'ble Shri Justice Parth Prateem Sahu**

**Order on Board****08.07.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 24.01.2021 in connection with Crime No.14 of 2021 registered at Police Station Passan, District Korba (C.G.) for commission of offence punishable under Sections 457, 380 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 24.01.2021 Raju Yadav, Guard of South Eastern Coalfields Limited, Raniatari, lodged complaint to the concerned Police Station mentioning therein that in the morning at about 3.00 am, he saw that near the boundary wall the closed mine, one white colour pick-up vehicle is standing. 8-10 persons entered into the mine premises after demolishing the boundary wall and were loading the iron articles

lying in the mine premises. The complainant informed the Police, when Police reached there, other persons ran away from the spot but present applicant was found in the vehicle and he was arrested from the spot. On the basis of aforementioned complaint and arrest of present applicant from the spot inside the vehicle, on which, iron articles owned by South Eastern Coalfields were loaded, instant crime has been registered against the present applicant.

3. Shri Aditya Khare, learned counsel for the applicant submits that present applicant has been taken forcefully by the other co-accused persons who fled away from the spot. He further submits that applicant was not involved in any of the crime prior to this incident and there are no criminal antecedents against him. It is contended that the applicant is in jail since 24.01.2021, the case is triable by the Magistrate, the trial may take some time, therefore, applicant be enlarged on bail.
4. On the other hand, Ms. Anjali Singh Chouhan, learned State Counsel opposes the prayer for grant of bail and submits that present applicant has been arrested from the spot inside the vehicle, on which, theft articles were loaded, he is not entitled for grant of bail. However, on putting a specific query with regard to criminal antecedent of the applicant, she submits that there is no mention about any criminal antecedent of applicant in the case diary.
5. I have heard learned counsel for the parties.

6. Taking into consideration the facts and circumstances of the case, nature of allegations, applicant is in jail since 24.01.2021, the case is triable by the Magistrate and the trial may take some time, without commenting on the merits of the case, I am inclined to enlarge the applicant on regular bail.
7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;
  - a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
  - b) He shall not, in any manner, tamper with the prosecution witnesses.
  - c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-

**(Parth Prateem Sahu)**  
**Judge**