

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1899 of 2021

1. Mukesh Kumar Sahu S/o Shri Kashi Prasad Sahu, Aged About 31 Years, R/o Ward No. 03, Ratakhari, Bajrang Chowk, Korba, District Korba (C.G.).
2. Ashish Maiti S/o Shri Prabhatkumar Maiti, Aged About 39 Years, R/o Ram Sagar Para, Darri Road Korba, Tahsil And District Korba (C.G.).

----Applicants

Versus

1. State Of Chhattisgarh, Through Station House Officer, Out Post C.S.E.B. Police Station Kotwali, Korba (C.G.).

---- Non-Applicant

For Applicants : Mr. Dharmesh Shrivastava, Advocate.
For Non-Applicant/State : Mr. Dinesh R.K. Tiwari, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order On Board

24/03/2021

- 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 20/02/2021 in connection with Istagasa No. 03/2021 registered at Out Post C.S.E.B. Police Station Kotwali, Korba (C.G.) for the offence under Sections 41(1-d) of Cr.P.C./379, 34 of IPC.
- 2) Allegation against the present applicants is that from their possession scrap material weighting 8-10 tonnes worth Rs. 25 Lakh were seized. The applicants could produce bill of Rs. 3,49,039/- only of the said material but failed to give account for the remaining material. On report being lodged to the above effect, the aforesaid offence has been registered against the applicants.

- 3) Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case. He submits that the applicants are in jail since 20/02/2021, applicants have no criminal antecedents and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. However, he submits that the applicants have no criminal antecedents.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the nature of allegation against the applicants, the detention period of the applicants who are 31 & 39 years old respectively, applicants have no criminal antecedents and there is no apprehension of their absconding or tampering with the evidence as admitted by the counsel for the parties and the trial is likely to take some time for disposal, without g commenting anything on 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. 1,00,000/-** with two sureties of Rs. 50,000/- 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.

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

Chandrakant