

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1819 of 2021

- Chaman Patel son of late Vasulal Patel, aged about 28 years, Caste-Marar, resident of Bardebhata, Police Station- Kanker, District-North Bastar Kanker (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station-Kanker, District – North Bastar Kanker (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri D.N. Prajapati, Advocate
For Non-Applicant/State	:	Shri Ayaz Naved, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

18.06.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 15.02.2021 in connection with Crime No. 11/2019 registered in Police Station- Kanker, District North Bastar Kanker (CG) for the offence punishable under Section 379 of IPC.
2. Prosecution case in brief is that on 15.01.2019 complainant namely Ravindra Vatti lodged a written report in Police Station Kanker stating that on 01.01.2019, some unknown thief has stolen his motorcycle bearing registration No. CG-05-AC-1809 from Pahuna Dhaba. On basis of said report, the offence under Section 379 of IPC was registered against the unknown person. During investigation, the applicant was arrested on 15.02.2021 and the said motorcycle was seized from the house of the applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 15.02.2021 and due to covid-19 pandemic, conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail

application.

5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the detention period of the applicant who is 28 years old, due to Covid-19 pandemic, conclusion of the trial is likely to take some, the applicant has no criminal antecedent as admitted by both the counsel and there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail application is allowed.
6. It is directed that in the event of applicant 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, he shall be released on bail on the following conditions:-
 - i. he 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/her from disclosing such fact to the Court.
 - ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - iv. he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
 - v. he shall not involve himself in any offence of similar nature in future.
7. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving himself in similar nature of offence.

Sd/-
(Gautam Chourdiya)
Judge