

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 1988 of 2021

- Kamlesh Sahu, S/o Late Shri Basant Sahu, Aged About 33 Years, R/o Bhanpuri, Khamtarai, Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- Police Station Aarang, District- Raipur, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Lukesh Kumar Mishra, Advocate
For Non-Applicant/State : Shri Anand Verma, Dy.A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

05.07.2021

- 1) The first bail application of the present applicant was dismissed as withdrawn vide order dated 01.03.2021 in MCRC No. 1526 of 2021.
- 2) The applicant has preferred this Second Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 12.04.2019 in connection with Crime No.66/2019 registered at Police Station-Aarang, District- Raipur (C.G.) for the offence punishable under Section 380, 457 of IPC.
- 3) Case of the prosecution, in brief, is that on 03.04.2019 at village Gullu, in C.K. General Store, the present applicant, by breaking the lock, stole some ration articles like edible oils, pulses and rice, worth Rs. 16,500/-. On report being lodged to the above effect, the offence has been registered against the unknown person and during investigation the present applicant was arrested and on his memorandum stolen articles were seized.
- 4) Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question, he further submits that the applicant is young offender, he has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, charge-sheet has already been filed, the applicant applicant is in jail since 12.04.2019 and due to Covid-19 pandemic trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

- 5) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedents.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, charge-sheet has already been filed, the detention period of the applicant, who is 33 years old and the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel and due to Covid-19 pandemic conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 7) It is directed that in the event of the applicant 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, he shall be released on bail, on 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 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.

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 offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim