

M.Cr.C. No. 2409 of 2021

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2409 of 2021

- Chandan Singh son of Pitamber Singh, aged about 30 years, resident of Village- Diwanpur, Police Station & Tahsil – Patthalgaon, District- Jashpur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station - City Kotwali, Raigarh, District Raigarh (C.G.)

---- State/Non-applicant

For Applicant : Shri Jitendra Kumar Saxena, Advocate

For Non-Applicant/State : Shri Rakesh Kumar Sahu,
Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

07.04.2021

1. This application is heard through Video Conferencing.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 02.03.2021 in connection with Crime No. 115/2007 registered in Police Station- City Kotwali, Raigarh, District Raigarh (C.G.) for the offence punishable under Section 379 read with Section 34 of IPC.
3. Allegation against the present applicant is that on 17.02.2007 at about 12 noon, he alongwith other co-accused persons committed theft of about Rs.1,00,000/- from the dicky of complainant's motorcycle.
4. From perusal of impugned order it is seen that the applicant was arrested in connection with the aforesaid offence under Section 379/34 and subsequently he was granted bail by the court below. The applicant was being prosecuted in Criminal Case No. 126/2009, State of Chhattisgarh Vs. Raju @ Rajkumar & Others (in present Crime No.115/2007 registered in Police Station City Kotwali, Raigarh) before the Chief Judicial Magistrate,

Raigarh and during pendency of trial, the applicant was arrested in connection with other crime number and he was sent to jail, due to which the applicant could not appear before the trial Court on 17.02.2017. Due to non-appearance, the trial Court issued arrest warrant against the applicant and pursuant to the said arrest warrant, the applicant was arrested on 02.03.2021.

5. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 02.03.2021 and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Having heard learned counsel for the parties.
8. Having regard to the facts and circumstances of the case, considering the detention period of the applicant who is 30 years old and conclusion of the trial is likely to take some time, and that there is no apprehension of the applicant tampering with the evidence, without expressing any opinion on merits of the case, the application is allowed.
9. 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 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 not involve himself in any offence of similar nature in

future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

10. 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

vatti