

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 292 of 2021

1. Amit Kumar S/o Shri Jagdish Prasad, Aged About 22 Years, Residence Of Baniya, Post Nagmatiya, P.S. Madanpur, District Aurangabad (Bihar).

----Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Balrampur, District Balrampur-Ramanujganj (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Sunil Tripathi, Advocate.
For Non-Applicant/State	:	Mr. Ghanshyam Patel, Govt. Advocate.

MCRC No. 1921 of 2021

1. Nandan Soni S/o Shri Chhatthu Sao, Aged About 30 Years Resident Of Village West Mohan Bigha, Dehri Onson, Police Station Dehri, District Rohtash (Bihar).

----Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Balrampur, District Balrampur-Ramanujganj (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Sunil Tripathi, Advocate.
For Non-Applicant/State	:	Mr. Ghanshyam Patel, Govt. Advocate.

MCRC No. 2563 of 2021

1. Raju Kumar Singh S/o Late Rampujan Singh, Aged About 30 Years, R/o Kanchanpur, P.S. Sasaram, District Rohtas (Bihar).

----Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Balrampur, District Balrampur-Ramanujganj (C.G.).

---- Respondent

For Applicant	:	Mr. Sanjay Agrawal, Advocate.
For Respondent/State	:	Mr. Ghanshyam Patel, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya
Order On Board

12/05/2021

- 1) The matter is heard through Video Conferencing.
- 2) Since all theses applications arise out of the same crime number, they are being disposed of by this common order.
- 3) Applicants have filed these First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as applicant Amit Kumar & Nandan Soni are in jail since 18/12/2020 & Raju Kumar Singh is in jail since 08/02/2021 in connection with Crime No. 204/2020, registered at Police Station Balrampur, District Balrampur-Ramanujganj (C.G.) for the offence under Sections 379, 420, 411, 201/34, of Indian Penal Code.
- 4) Case of the prosecution, in brief, is that on 29/11/2020 the complainant had parked his vehicle Scorpio bearing registration No. JH 03 A.N. 9775 in front of house of his brother-in-law in the night and next morning he found the same missing from there. Hence, a report was lodged by him on 30/11/2020. During investigation the Police arrested the present applicants and on the memorandum of Amit Kumar the stolen vehicle was recovered and memorandum of the accused Nandan Soni Rs. 800/- was seized.
- 5) Learned counsel for the applicants in all the applications submit that the applicants are innocent persons and have been falsely implicated in this case. The applicants are in jail since 18/12/2020 & 08/02/2021 respectively and charge sheet has already been filed and conclusion of trial is likely to take some time for its disposal. They submit that applicants have no criminal antecedents. Therefore, the applicants deserve to be released on bail.

- 6) On the other hand, learned counsel for the respondent/State opposes the bail applications. He submits that the applicants have no criminal antecedents.
- 7) Heard learned counsel for the parties.
- 8) Considering the facts and circumstances of the case, the detention period of the applicants who are 22, 30 & 30 years old, charge sheet has already been filed, the fact that the applicants are young offender having no criminal antecedents and there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the counsel, case is triable by the Magistrate and that conclusion of trial may take some time due to COVID-19 Pandemic, the applications are **allowed**. It is directed that in the event **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 or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

-Sd/-
(Gautam Chourdiya)
Vacation Judge