

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2527 of 2021

- Prakash Dewangan son of Ganpat Dewangan, aged about 24 years, resident of Village Ward No. 4, Sheetla Para, Simga, District – Balouda Bazar (C.G.)

---- Applicant

Versus

- State of Chhattisgarh through Police Station – Berla, District - Bemetara (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Vikas Pandey, Advocate
For Non-Applicant/State	:	Shri Ashish Tiwari, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

28.05.2021

1. The 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 19.03.2021 in connection with Crime No. 46/2019 registered in Police Station- Berla, District Bemetara (CG) for the offence punishable under Sections 457, 380, 411, 414 read with 34 of IPC.
3. Case of the prosecution is that on 28.01.2019, complainant namely Manoj Soni lodged the report against unknown person alleging that some unknown person has theft some articles from his jewelry shop amounting to Rs.1,20,250/- on 27.01.2019. During investigation, the police has arrested the present applicant alongwith other co-accused persons and registered the offence under the aforementioned sections of IPC against the applicant and co-accused persons.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 19.03.2021, charge-sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
5. On the other hand, learned counsel for the State opposes the bail

application.

6. 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 24 years old, charge-sheet has already been filed, due to covid-19 pandemic, conclusion of the trial is likely to take some 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.
7. It is directed that in the event of applicant executing a personal bond for a sum of Rs.2,00,000/- with two local 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 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.

Sd/-

(Gautam Chourdiya)
Vacation Judge