

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 1949 of 2021

1. Prabhugiri Goswami, S/o Prem Giri Goswami, aged about 34 years, R/o Deepopara Podi, P.S. Bodla, Tahsil Bodla, District Kabirdham (CG).
 2. Riddhu @ Siddhu Sahu, S/o Tularam Sahu, aged about 27 years, R/o Silhaati, P.S. Bodla Tahsil Bodla, District Kabirdham (CG).
 3. Kanhiya @ Kanhu, S/o Pardeshi Merawi, aged about 29 years, R/o Dashrangpurkhurd, P.S. Bodla & Tahsil Bodla, District Kabirdham (CG).
- Applicants**

Versus

State of Chhattisgarh, Through - Station House Officer
Kawardha, District Kabirdham (CG). **---- Non-Applicant**

AND

MCRC No. 2759 of 2021

Umesh Giri Goswami, S/o Ashok Giri Goswami, aged about 26 years, R/o Salaiya, Police Station Dhuma, District Shivni (M.P.).

---- Applicant

Versus

State of Chhattisgarh, Through – District Magistrate, Kawardha,
District Kawardha (CG). **---- Non-Applicant**

For Applicants	:	Shri Basant Dewangan & Shri Dharmesh Shrivastava, Advocates
For Non-Applicant/State	:	Dr. Veena Nair, Dy. Adv. General

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

18.06.2021

- 1) As all these first bail applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.734/2020 registered at Police Station Kawardha, District Kabirdham, C.G. for the

offence punishable under Sections 420, 34 of the Indian Penal Code, they are being disposed of by this common order.

- 2) At the outset, Shri Basant Dewangan, learned counsel for the applicants seeks to withdraw the bail application insofar as it relates to the applicant No.1- Prabhugiri Goswami in M.Cr.C. No.1949/2021.
- 3) Case of the prosecution, in brief, is that on 27.11.2020 at about 5:00 - 5:30 p.m., the present applicants came to the shop of the complainant and told him that they will double the gold by way of prayer, then the complainant gave the jewelry worth of Rs.2,35,000/- to the applicants. Thereafter, the applicants took the said jewelry from the complainant and never came back.
- 4) Learned counsel for the applicants jointly submit that the present applicants are innocent person and have been falsely implicated in this case. They submit that the allegation against the applicants is false and baseless. The applicants are in jail since 16.02.2021 & 13.03.2021 respectively and conclusion of trial is likely to take some time. Therefore, the applicants be released on bail.
- 5) On the other hand, learned counsel for the State opposes the bail application of the applicants. However, he submits that no criminal antecedent has been shown against the applicants as per police case diary.
- 6) Heard learned counsel for the parties and perused the case diary.
- 7) Considering the facts and circumstances of the case, the nature of allegation leveled against the present applicants, the detention period of the applicants, who are 27, 29, 26 years of age respectively, the fact that the applicants have no criminal antecedent and there is no likelihood of the applicants tampering with the prosecution evidence or absconding as submitted by both the counsel for the applicants and conclusion of trial may take some time, without expressing any opinion on the merits of

the case, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the bail applications are allowed.

8) It is directed that in the event of each of the applicants 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, 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 them 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 strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority,

(v) 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 this Court.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

In the result: The present bail application on behalf of applicant No.1-Prabhugiri Goswami is dismissed as withdrawn, whereas it is allowed on behalf of applicant No.2-Riddhu @ Siddhu Sahu and applicant No.3-Kanhiya @ Kanhu in M.Cr.C. No.1949/2021 and applicant-Umesh Giri Goswami in M.Cr.C. No.2759/2021 on above terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge

L/-