

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**(Proceedings through Video Conferencing)****M.Cr.C. No. 2896 of 2021**

- Dhirendra Vaishnav @ Tinku, son of Fuldass Vaishnav, aged about 22 years, resident of Harsingar Colony, Rajkishor Nagar, Sarkanda, P.S. Sarkanda, Tahsil and District Bilaspur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through : Station House Officer, P.S. Torwa, Bilaspur, District Bilaspur (C.G.)

---- State/Non-Applicant**M.Cr.C. No. 2988 of 2021**

- Ravi Gandharva S/o Ramman Lal Gandharva, aged about 20 years, R/o Harsingar Colony, Rajkishore Nagar, Sarkanda, Police Station : Sarkanda, District Bilaspur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through : Station House Officer, Police Station : Torwa, District Bilaspur (C.G.)

---- State/Non-Applicant**And****M.Cr.C. No. 4151 of 2021**

- Hari @ Kamlesh Sahu S/o Ramchandra Sahu, aged about 22 years, R/o Village – Chhatauna, Near Atal Awas, Police Station – Chakarbhatha, District Bilaspur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh through – Station House Officer, Police Station - Torwa, District Bilaspur (C.G.)

----State/Non-Applicant

For respective Applicants : Shri C.R. Sahu and Shri Dharmesh Shrivastava, Advocates in respective bail applications

For Non-Applicant/State : Shri Chitendra Singh, Panel Lawyer in all the bail applications

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****30.07.2021**

1. Heard.

2. As all the above three first bail applications under Section 439 of Cr.P.C.

preferred by the respective applicants arise out of the same Crime No. 417/2020 registered in Police Station- Torwa, Bilaspur, District Bilaspur (CG) for the offence punishable under Sections 457 & 380 of IPC, they are being disposed of by this common order.

3. Prosecution case, in brief, is that complainant namely Sunita Sahu lodged a report against unknown person alleging that on 17.12.2020 after closing her house she went to village Lachhanpur. On 22.12.2020 her neighbour informed her that the door of her house was opened, then she came back to her house and saw that theft committed in her house. During investigation, all the above applicants were arrested by the police and the offences under the aforesaid Sections of IPC were registered against them.
4. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. They submit that the applicants are in jail since 17.01.2021, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
5. On the other hand, learned counsel for the Non-Applicant/State opposes the bail applications and submits that the applicant Dhirendra Vaishnav @ Tinku has six criminal antecedents; applicant Ravi Gandharva has one criminal antecedents and applicant Hari @ Kamlesh Sahu has no criminal antecedents.
6. I have heard learned counsel for the parties.
7. Having regard to the facts and circumstances of the case, considering the detention period of the applicants who are 20 & 22 years old, the fact that there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by counsel for the parties and due to covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the 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 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/her 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.

9. 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 nature of offence.

10. In result, M.Cr.C. No. 2896 of 2021; M.Cr.C. No. 2988 of 2021 & M.Cr.C. No. 4151 of 2021 are allowed on the above terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge