

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2476 of 2021**

Durgesh Sarthi @ Kodke S/o Shri Rohit Das Aged About 27 Years R/o - Village-Shrigarpur, Police Station And Tahsil - Sarangarh, District - Raigarh (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O. Of The Police Station - Chakradhar Nagar, Tahsil And District - Raigarh (C.G.)

---- Non-applicant

MCRC No. 2906 of 2021

Sachin Sandilya S/o Pappu Sandilya, Aged About 21 Years R/o Mulmula, P.S. Mulmula, District Janjgir Champa (Chhattisgarh) In Present R/o Chhote Atarmuda, Raigarh, Tahsil And District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Chakradhar Nagar, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

----Non-applicant

For Applicants Mr.Abhishek Saraf & Shri Ashish Gupta, Advocate

For State Mr. Rahim Ubwani, P.L.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****09.07.2021**

1. The matter is heard through Video Conferencing.
2. In M.Cr.C. No.2476 of 2021, the applicant has preferred this

first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.306 of 2020 registered at Police Station Chakradhan Nagar, Tahsil and District Raigarh, C.G. for the offence punishable under Sections 394, 341, 34 of Indian Penal Code.

3. First bail application preferred by the applicant Sachin Sandilya was dismissed on merits vide order dated 04.02.2021 passed in M.Cr.C. No.9521 of 2020.
4. In M.Cr.C. No.2906 of 2021, the applicant has preferred this second bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.306 of 2020 registered at Police Station Chakradhan Nagar, Tahsil and District Raigarh, C.G. for the offence punishable under Sections 394, 341, 34 of Indian Penal Code.
5. Case of the prosecution, in brief, is that on 31.10.2020, complainant Anil Sahu lodged the written complaint by alleging that, on 28.10.2020 around 9.00 PM when he was returning home along with Nilesh Patel in motorcycle as soon as they reached near Panjari Plant, present applicant along with Sachin Sandilya stopped him by showing sword and looted motorcycle and cash of Rs.3280/- and ran away from the spot. On the basis of such complaint, crime No.306 of 2020 has been registered against the present applicants.
6. Learned counsel for the applicants submits that applicants are an innocent person and have been falsely implicated in this

case. They further submit that applicants are in jail since 17.01.2021 and 06.11.2020 respectively and conclusion of trial is likely to take some time. Therefore, applicants be released on bail.

7. On the other hand, learned counsel for the State as well as the Objector oppose the bail application.

8. Heard learned counsel for the parties.

9. Considering the facts and circumstances of the case, the nature of allegation leveled against the applicants, the detention period of the applicants, charge-sheet has already been filed and conclusion of trial may take some time, the applications are allowed. It is directed that in the event of applicants executing a personal bond for a sum of Rs.2,00,000/- each 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 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 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.

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.

In the result, M.Cr.C. Nos.2476 of 2021 and 2906 of 2021 are allowed in the above terms and conditions.

Sd/-
(Gautam Chourdiya)
Judge

Anu