

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4076 of 2021**

- Rahul Thakur, S/o B. Narayan Thakur, aged about 20 Years, R/o Shyam Nagar, Near Nagar Nigam Water Tank Bhilai, Tehsil and District Durg, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through District Magistrate, Durg, District Durg, Chhattisgarh.

----Non-applicant

For Applicant	Shri Avinash Chand Sahu, Advocate.
For State	Shri Adil Minhaj, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****02/08/2021**

1. The matter is heard through Video Conferencing.
2. Earlier bail application of the applicant was dismissed for want of prosecution vide order dated 16.03.2021 in MCRC No.1537 of 2021.
3. 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.147/2019 registered at Police Station Newai, District Durg, C.G. for the offence punishable under Sections 457, 380, 411 read with 34 of Indian Penal Code.
4. Allegation against the present applicant is that he along with co-accused Mayank Thakur @ Dadu committed theft of golden,

silver ornaments and cash of Rs.15,000/- in the house of complainant- Prashuram Chandrakar when he had gone to Hyderabad for the treatment of her daughter. Based on this, offence has been registered against the present applicant along with co-accused.

5. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that identification of seized article has not been done by the prosecution, applicant is in jail since 12.10.2019, charge sheet has already been filed, due to COVID 19-pandemic, conclusion of trial is likely to take some time and that co-accused person namely- Mayank Thakur @ Dadu in this case has already been granted regular bail by the co-ordinate Bench of this Court vide order dated 28.01.2021 in MCRC No.7341 of 2020 and, therefore, the applicant be released on bail on the ground of parity.
6. On the other hand, learned counsel for the State opposes the bail application. He submits that there are as many as 14 criminal antecedents against the present applicant.
7. Heard learned counsel for the parties.
8. Considering the facts and circumstances of the case, the nature of allegation against the applicant, the detention period of the applicant, who is 20 years old, charge sheet has been filed, there is no progress in the trial, the fact that the co-accused person in this case has already been granted regular bail by the co-ordinate Bench of this Court and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the

counsel 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 applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond in the sum of Rs.2,00,000/- with two 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 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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) he shall not involve himself 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.

Sd/-
Gautam Chourdiya
Judge