

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2985 of 2021**

- Khilesh Dewangan, S/o Shri Chandra Sekhar Dewangan, aged about 22 Years, R/o Village and Post Infront of Electric Office, Paragaon, Police Station Gobra Navapara, Tahsil Abhanpur, District Raipur, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through Police Station City Kotwali, District Raipur, Chhattisgarh.

----Non-applicant

For Applicant	Ms. Ranjana Jaiswal, Advocate.
For State	Mr. Shreshta Gupta, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

08/07/2021

1. The matter is heard through Video Conferencing.
2. 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.06/2021 registered at Police Station City Kotwali, Raipur, District Raipur, C.G. for the offence punishable under Section 379 read with 34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 05.01.2021 complainant Surendra Kumar informed the police of police station city Kotwali that his bike (Honda Activa) bearing registration no.CG04-MJ-4887 was stolen by someone. On report being lodged to the above effect, the aforesaid offence have been

registered and during investigation, the present applicant and co-accused-Ankush Gupta were arrested.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that applicant is in jail since 06.02.2021, 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- Ankush Gupta @ Priyanshu in this case has already been granted regular bail by the Co-ordinate Bench of this Court vide order dated 02.06.2021 in MCRC No.3221 of 2021 and, therefore, the applicant be released on bail on the ground of parity.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the detention period of the applicant, who is 22 years old, charge sheet has already been filed, 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