

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3370 of 2021**

1. Anmol @ Bittu, S/o Ashok Sidar, aged about 25 years, Caste Gond, Occupation Painter.
2. Mithlesh Tiwari, S/o Hanshraj Tiwari, aged about 25 years, Caste Brahman, Occup. Agriculture.

Both are resident of Purani Basti, Pathalgaon, Thana Pathalgaon, District Jashpur (CG).

----Applicants

Versus

State of Chhattisgarh, Through Police Thana Pathalgaon, District Jashpur (CG).

----Non-applicant

For Applicants : Shri Sanjay Agrawal, Advocate.

For State : Shri Ayaz Naved, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****18/06/2021**

1. The matter is heard through Video Conferencing.
2. The applicants have preferred this bail application under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No.55/2021 registered at Police Thana Pathalgaon, District Jashpur for the offence punishable under Sections 379, 414, 403/34 of the Indian Penal Code.
3. Case of the prosecution, in brief, is that on 01.01.2021 the police has received secret information from the informant that one

person namely Manoj Kumar is trying to sell one motor cycle in Darrapara, Pathalgaon which seems to be stolen. After getting the information, the police reached there and arrested him and recorded his memorandum, he said that he stole the motor cycle along with the present applicants and three minor persons and, thereafter, the police seized the said motor cycle from him and the present applicants.

4. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 01.01.2021, charge sheet has been filed 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. However, he submits that applicant No.1-Anmol @ Bittu has no criminal antecedent and one criminal case under Sections 323, 452 of IPC has been registered against applicant No.2-Mithlesh Tiwari as per police case diary.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicants, who are aged about 25 years respectively and there is no likelihood of the applicants tampering with the evidence or absconding as submitted by the learned counsel for the applicants and conclusion of trial may take some time, the application is 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 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.

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.

Sd/-
Gautam Chourdiya
Judge

L/-