

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**(Proceedings through Video Conferencing)****M.Cr.C. No. 3070 of 2021**

- Sujit Kanwar S/o Paltu Singh Kanwar, aged about 24 years R/o Nehru Nagar, P.S. Balco Nagar Tahsil & District Korba (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through : Station House Officer, Balco Nagar, District Korba (C.G.)

---- State/Non-Applicant**AND****M.Cr.C. No. 3072 of 2021**

1. Sunil Kumar Shriwas S/o Shri Santosh Kumar Shriwas, aged about 22 years R/o Village Kirari, P.S. and Tahsil Akaltara, District Janjgir-Champa (C.G.) Current Address at Nehru Nagar P.S. Balco Nagar, District Korba (C.G.)
2. Sujit Kanwar S/o Paltu Singh Kanwar, aged about 24 years R/o Nehru Nagar, P.S. Balco Nagar Tahsil & District Korba (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh, Through : Station House Officer, Balco Nagar, District Korba (C.G.)

---- State/Non-Applicant**AND****M.Cr.C. No. 3074 of 2021**

1. Sunil Kumar Shriwas S/o Shri Santosh Kumar Shriwas, aged about 22 years R/o Village Kirari, P.S. and Tahsil Akaltara, District Janjgir-Champa (C.G.) Current Address at Nehru Nagar P.S. Balco Nagar, District Korba (C.G.)
2. Sujit Kanwar S/o Paltu Singh Kanwar, aged about 24 years R/o Nehru Nagar, P.S. Balco Nagar Tahsil & District Korba (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh, Through : Station House Officer, Balco Nagar, District Korba (C.G.)

---- State/Non-Applicant**AND****M.Cr.C. No. 4446 of 2021**

1. Sunil Kumar Shriwas S/o Shri Santosh Kumar Shriwas, aged about 22 years R/o Village Kirari, P.S. and Tahsil Akaltara, District Janjgir-Champa (C.G.) Current Address at Nehru Nagar P.S. Balco Nagar, District Korba (C.G.)
2. Sujit Kanwar S/o Paltu Singh Kanwar, aged about 24 years R/o Nehru Nagar, P.S. Balco Nagar Tahsil & District Korba (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through : Station House Officer, Balco Nagar, District Korba (C.G.)

---- State/Non-Applicant

AND

M.Cr.C. No. 5056 of 2021

- Sunil Kumar Shriwas S/o Shri Santosh Kumar Shriwas, aged about 22 years R/o Village Kirari, P.S. and Tahsil Akaltara, District Janjgir-Champa (C.G.) Current Address at Nehru Nagar P.S. Balco Nagar, District Korba (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, Balco Nagar, District Korba (C.G.)

---- State/Non-Applicant

For Applicants (In all bail applications)	:	Smt. Renu Kochar, Advocate
For Non-Applicant/State (In all bail applications)	:	Shri Anand Verma, Dy. Govt. Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

19/07/2021

1. Heard.
2. All the bail applications are being decided by this common order.
3. The applicant (**in M.Cr.C No. 3070/2021**) has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 05/04/2021 in connection with Crime No. 118/2021 registered in Police Station- Balco Nagar, District Korba (CG) for the offence punishable under Sections 457, 380, 34 of the IPC.
4. The applicants (**in M.Cr.C No. 3072/2021**) have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 05/04/2021 in connection with Crime No. 119/2021 registered in Police Station- Balco

Nagar, District Korba (CG) for the offence punishable under Sections 457, 380, 34 of the IPC.

5. The applicants (**in M.Cr.C No. 3074/2021**) have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 05/04/2021 in connection with Crime No. 121/2021 registered in Police Station- Balco Nagar, District Korba (CG) for the offence punishable under Sections 457, 380, 34 of the IPC.
6. The applicants (**in M.Cr.C No. 4446/2021**) have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 05/04/2021 in connection with Crime No. 120/2021 registered in Police Station- Balco Nagar, District Korba (CG) for the offence punishable under Sections 457, 380, 34 of the IPC.
7. The applicant (**in M.Cr.C No. 5056/2021**) has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 05/04/2021 in connection with Crime No. 118/2021 registered in Police Station- Balco Nagar, District Korba (CG) for the offence punishable under Sections 457, 380, 34 of the IPC.
8. The prosecution story, in brief, is that on 28/03/2021 the applicants have committed theft of money from the donation box kept in four different temples and they also took the donation boxes with them. On the basis of complaints made by four complainants, the aforementioned crime numbers have been registered against the applicants. On the basis of memorandum statements of the applicants, the money and the donation boxes have been recovered.
9. Learned counsel for the applicants (in all bail applications) submits that the applicants have been falsely implicated in the crimes in question, they have

no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, they are in jail since 05/04/2021 and trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.

10. On the other hand, learned counsel for the Non-Applicant/State opposes the bail applications. However, he submits that the applicants have no criminal antecedents.

11. I have heard learned counsel for the parties and perused the case diary.

12. Considering the facts and circumstances of the case, the detention period of the applicants who are 22 and 24 years old, the fact that the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding and due to covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the bail applications are allowed.

13. It is directed that in the event of each of the applicants executing 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.

14. 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.

Sd/-
(Gautam Chourdiya)
Judge

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