

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3094 of 2021**

- Ashish Tiwari, S/o Shri Surya Pratap Tiwari, aged about 32 Years, R/o Ghasidas Nagar Bhilai, Police Station Jamul, District Durg, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Jamul, District Durg, Chhattisgarh.

----Non-applicant

For Applicant	Mr. C.R. Sahu, Advocate.
For State	Dr. (Ms.) Veena Nair, Deputy A.G.

MCRC No. 3823 of 2021

- Chandra Kumar Sahu @ Chotu, S/o Late Homlal Sahu, aged about 32 Years, R/o Laxmipara, Jamul, Ward No. 4, Thana Jamul, District Durg (Chhattisgarh), Permanent Resident Village Khisora, Thana Saja, District Bemetara, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Police Station Jamul, District Durg, Chhattisgarh.

----Non-applicant

For Applicant	Mr. Jitendra Gupta, Advocate.
For State	Dr. (Ms.) Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya 
Order on Board

19/08/2021

Since both these applications filed under Section 439 of CrPC

arise out of the same Crime No.109/2021 registered at Police Station – Jamul, District Durg, C.G. for the offence punishable under Sections 397, 120(B) of IPC & Sections 25 & 27 of the Arms Act, they are being disposed of by this common order.

02. Case of the prosecution in brief, is that on 06.03.2021 at about 3:00 pm, two unknown persons entered the house of complainant- Chameli Verma, attacked on her and on the point of gun, looted her golden ornaments and snatched Rs.3,000/- from her. On report being lodged to the above effect, offence under the aforesaid Sections have been registered against the applicants.

03. Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case. No act as alleged has been committed by them. They submit that charge sheet has already been filed, applicants are in jail since 06.03.2021 & 07.03.2021, there is no criminal antecedents of the applicants and due to Covid-19 conclusion of the trial is likely to take some time.

04. On the other hand, learned counsel for the State opposes the bail applications.

05. Heard learned counsel for the parties.

06. So far as bail application of applicant- Ashish Tiwari i.e. MCrC No.3094/2021 is concerned, considering the facts and circumstances of the case, the fact that the applicant was arrested on the spot itself, the material collected against the applicant, without commenting anything on merits of the case, I am not inclined to release him on bail.

Accordingly, MCrC No.3094 of 2021 is rejected.

07. As regards the application of applicant Chandra Kumar Sahu @ Chotu i.e. MCrC No.3823/2021, considering the facts and circumstances of the case, there is no specific allegation made against the applicant except allegation of conspiracy as disclosed by him in his memorandum, the detention period of the applicant who is 32 years old, charge sheet has already been filed, the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed. It is directed that in the event of applicant **Chandra Kumar Sahu @ Chotu** executing a 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, 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/her 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.

08. In the result, MCrC No.3094/2021 filed by applicant Ashish Tiwari is rejected whereas MCrC No.3823/2021 filed by applicant Chandra Kumar Sahu @ Chotu is allowed on the aforesaid terms and conditions.

Sd/-
Gautam Chourdiya
Judge

Akhilesh