

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 3479 of 2021

- Manoj Agrawal @ Monu, S/o Suresh Agarwal, Aged About 32 Years, R/o Agrasen Ward Kundla Vasundhara City, P.S.- Ambikapur, District- Surguja, Chhattisgarh. ---- **Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, P.S.- Raipur, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Non-Applicant

MCRC No. 4685 of 2021

1. Sagar Kumar Pandey, S/o Jagdish Pandey, Aged About 25 Years,
2. Rahul Pandey, S/o Shivpujan Pandey, Aged About 31 Years,
3. Bhima, S/o Ashok Pandey, Aged About 26 Years,

All are R/o Anjani, P.S. Beejpur, District- Sonbhadra, Uttar Pradesh. Present Address- Ward No. 46, Sant Guru Gahira, Ambikapur, P.S and Tehsil - Ambikapur, District- Surguja, Chhattisgarh. ---- **Applicants**

Versus

- State of Chhattisgarh, Through Station House Officer, P.S.- Rajpur, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Non-Applicant

For Applicants	: Mr. Shakti Raj Sinha, Advocate
For Non-Applicant/State	: Dr. (Ms.) Veena Nair, Dy. A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

27.07.2021

- 1) Since both these cases arise out of same crime number, they are being disposed of by this common order.

- 2) The applicants have preferred these First Bail Applications under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 20.03.2021 in connection with Crime No.58/2021 registered at Police Station- Rajpur, District- Balrampur- Ramanujganj (C.G.) for the offence punishable under Section 420, 120 B, 34 of IPC.
- 3) Case of the prosecution, in brief, is that complainant- Sanjay Jaiswal lodged written report in the police station to effect that he works in Mahan-2 coal mines as lifter and used to transport coals of Thakur Prasad & Sons to Odisha. On 10.03.2021 one truck driver Bhima came with paper of the truck bearing registration number CG 15 AC 5841 and after completion of the process, he loaded coals in the truck, Rs. 15,000/- and Rs.6000/- were given to the driver for fuel etc. expanses and with the truck (CG 15 AC 5841) departed towards its destination but the driver took the truck towards another place willingly. The owner of the said truck reached the coal mine and asked for loading of coals in its truck and then he came to know that cheating was done by the driver and report was lodged against him and co-accused persons.
- 4) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submit that the applicants have no criminal antecedents, charge-sheet has already been filed, there is no likelihood of the applicants tampering with the prosecution evidence or absconding and the applicants are in jail since 20.03.2021 and trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail application and submits that the applicants have no criminal antecedent.
- 6) Having heard learned counsel for the parties, the allegation made against the present applicants, the detention period of the

applicants and the fact that the applicants have no criminal antecedents, charge-sheet has already been filed, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, the applications are allowed.

7) It is directed that in the event of each of the applicants 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, they shall be released on bail on the following conditions:-

- (a) 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 from disclosing such fact to the Court,
- (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,
- (d) they shall not involve themselves in any offence of similar nature in future,
- (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

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