

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings Through Video Conferencing****MCRC No. 3163 of 2021**

- Ramnath, S/o Jalsay, aged about 43 Years, R/o Village Chandarpur, Police Station, Tahsil and District Surajpur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through - Station House Officer, Police of Police Station Surajpur, District – Surajpur, Chhattisgarh.

----Non-applicant

MCRC No. 3168 of 2021

- Ramnath, S/o Jalsay, aged about 43 Years, R/o Village Chandarpur, Police Station, Tahsil and District Surajpur, (Chhattisgarh).

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police of Police Station Surajpur, District- Surajpur, (Chhattisgarh).

---Non-applicant

For Applicants	Shri Anil Gulati, Advocate.
For State	Shri Chitendra Singh, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya **Order on Board****19/07/2021**

1. Both the aforesaid bail applications filed under Section 439 of Cr.P.C. are being disposed of by this common order.

Applicant	Crime Nos. and Police Station	Offence under Sections	In jail since
Ramnath	Crime No.133/2021, Police Station Surajpur, District Surajpur, C.G.	Sections 457 & 380 of Indian Penal Code	18.03.2021
Ramnath	Crime No.115/2021, Police Station Surajpur, District Surajpur, C.G.	Sections 457 & 380 of Indian Penal Code	18.03.2021

2. As per the prosecution case, on 04.03.2021, applicant committed theft in the shop of complainant- Sunita Sahu and stole grocery items and cash of Rs.3,000/-, totalling Rs.10,000/- and during investigation, on the report of the complainant- Sunita Sahu, the applicant was arrested and on interrogation he disclosed to have also committed theft on 16-17th March, 2021 in the shop of one Sanjay Jindiya of certain grocery items & cigarette worth Rs.19,54,000/-. From the possession of the applicant, torch, pliers, screwdriver, iron bar, broken lock and the stolen articles were seized.
3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that there is no direct proof of applicant's involvement in the alleged crime. The applicant is in jail since 18.03.2021, charge sheet has already been filed and due to COVID-19 pandemic, conclusion of trial is likely to take some time. Therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the

bail applications. He submits that applicant has only one criminal antecedent of similar nature of the year 2017.

5. Heard learned counsel for the parties.

6. Considering the facts and circumstances of the case, detention period of the applicant, who is 43 years old, charge sheet has already been filed, the fact that the applicant has only one criminal antecedent of similar nature of the year 2017 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 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 applications are allowed. It is directed that in the event of applicant 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 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

Akhilesh