

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 3410 of 2021

- Ramjan Ali @ Balla, S/o Chand Ali, Aged About 34 Years, R/o Dhanwarpara, Chihati, Police Station- Sarkanda, District- Bilaspur, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- District Magistrate, Raigarh, District- Raigarh, Chhattisgarh and also through the Police of Police Station- Sariya, District- Raigarh, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Govind Dewangan, Advocate
For Non-Applicant/State : Shri Chitendra Singh, Panel Lawyer

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

19.07.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 07.01.2021 in connection with Crime No. 173/2020 registered at Police Station- Sariya, District- Raigarh (C.G.) for the offence punishable under Section 457, 380/34 of IPC.
- 2) Case of the prosecution, in brief, is that on 20.10.2020 the complainant Kanhu Mahapatra lodged written report in the police station Sariya to the effect that driver of the four wheeler vehicle bearing registration number CG 10 F/3068 alongwith co-accused persons in the night intervening 18-19/10/2020 committed lurking house trespass, entered into his *kotha* (an enclosed area for keeping the cattle) and stole 13 numbers of sheep and rams worth of Rs. 50,000/-. During investigation, the co-accused Manish Patel was arrested and upon his memorandum statement the applicant and other co-accused persons were arrested.
- 3) Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question, he further submits that the applicant has one criminal antecedent, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, charge-sheet has already been filed, co-accused has already been granted bail by the co-ordinate Bench of this Court vide order date 05.07.2021 in MCRC No. 1798 of 2021, the applicant has been arrested on 07.01.2021 and due to Covid-19 trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has one criminal antecedent.

5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, co-accused person has already been granted bail by the co-ordinate Bench of this Court, charge-sheet has been filed, the detention period of the applicant, who is 34 years old, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to Covid-19 conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.

6) It is directed that in the event of the 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 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

Nadim