

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3535 of 2021

1. Raushan Kumar S/o Lalit Singh, Aged About 24 Years, R/o Darpul Mukundpur, Police Station Rajpakar, District Vaishali (Bihar).

----Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Urla, District Raipur (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Suresh Tandon, Advocate.
For Non-Applicant/State	:	Mr. Chitendra Singh, P.L.

MCRC No. 3333 of 2021

1. Kunal Pandey S/o Harendra Pandey, Aged About 26 Years, R/o Harpur Mukund, Vaishali (Bihar).

----Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Urla, District Raipur (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Pragalbha Sharma, Advocate.
For Non-Applicant/State	:	Mr. Chitendra Singh, P.L..

Hon'ble Justice Shri Gautam Chourdiya
Order On Board

28/06/2021

- 1) The matter is heard through Video Conferencing.
- 2) Since both the applications arise out of the same crime number, they are being disposed of by this common order.
- 3) Applicants have filed these First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as

applicants are in jail since 26/01/2021 respectively in connection with Crime No. 17/2021, registered at Police Station Urla, District Raipur (C.G.) for the offence under Section 457, 380, 34 of Indian Penal Code.

- 4) Case of the prosecution, in brief, is that in the intervening night of 17/01/2021, present applicants committed theft of 14 mobiles worth Rs. 2 Lakh from the shop of the complainant Deepak Sharma. On report being lodged to the above effect, the aforesaid offences have been registered against the applicants.
- 5) Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case by the complainant Deepak Sharma. They submit that the applicants are in jail since 26/01/2021, charge sheet has been filed and due to Covid-19 Pandemic conclusion of trial is likely to take some time for its disposal. Therefore, the applicants deserve to be released on bail.
- 6) On the other hand, learned counsel for the respondent/State opposes the bail applications.
- 7) Heard learned counsel for the parties.
- 8) Considering the facts and circumstances of the case, the nature of allegations against the applicants, the detention period of the applicants who are 24 and 26 years old respectively, charge sheet has been filed, the applicants have no criminal antecedents and there is no apprehension of the applicants tampering with the evidence or absconding as admitted by counsel for the parties and that conclusion of trial may take some time due to COVID-19 Pandemic, the applications are **allowed**. 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:-
 - 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 from disclosing such fact to the Court,

- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial,
- iii. they shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
- iv. they shall not involve themselves 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 applicants involving themselves in similar offence in future.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant