

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 3388 of 2021

- Chaman Wadhwa @ Mohit, Son of Manohar Lal Wadhwa, Aged About 29 years, Resident of House No. F/44 New Seelampur, Police Station- Seelampur, New Delhi, District : New Delhi.

---- Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station - Sarkanda, Bilaspur, District : Bilaspur, Chhattisgarh.

---- Non-Applicant

For Applicant	: Shri Suryakant Mishra, Advocate
For Non-Applicant/State	: Shri Adil Minhaj, Government Advocate

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 19.10.2019 in connection with Crime No.916/2020 registered at Police Station- Sarkanda, Bilaspur, District- Bilaspur (C.G.) for the offence punishable under Section 379/34 of IPC.
- 2) Case of the prosecution, in brief, is that on 09.10.2019 at about 05.00 hrs. when the complainant was going to her home from her school, the present applicant alongwith other co-accused person near Nivedita Hostel committed theft of golden chain worth Rs. 40,000/- by snatching it from her neck and went away. During investigation, on the basis of CCTV footage the applicant and co-accused person were identified, they were arrested from Delhi they admitted the aforesaid offence and from them the stolen article-Gold chain was recovered.

- 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 only one criminal antecedent, the co-accused has already been granted bail vide order dated 02.03.2021 in MCRC No. 8783 of 2020 by the Co-ordinate Bench of this Court, there is no likelihood of the applicant tampering with the prosecution evidence or absconding the applicant has been arrested on 19.10.2019 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-Applciant/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, charge-sheet has already filed, the detention period of the applicant, who is 29 years old, the fact that the co-accused person has already been granted bail by the Co-ordinate Bench of this Court, 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