

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3493 of 2021

1. Sagar Dewangan S/o Doleshwar Dewangan, Aged About 25 Years, R/o Koshtapara Raigarh, District Raigarh (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Thana In-Charge, City Chakradhar Nagar, Raigarh District Raigarh (C.G.).

---- Non-Applicant

For Applicant : Mr. Rajendra Tripathi, Advocate.
For Non-Applicant/State : Mr. C.B. Kesharwani, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

20/07/2021

- 1) The matter is heard through Video Conferencing.
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 07/12/2020 in connection with Crime No. 389/2020 registered at Police Station Chakradhar Nagar, Raigarh District Raigarh (C.G.) for the offence punishable under Section 457, 380 of Indian Penal Code.
- 3) As per prosecution case, in the intervening night of 30/11/2020 the applicant alongwith other co-accused persons entered the house of the complainant Pradeep Yadav and committed theft of LED TV, gold and silver ornaments worth Rs. 70,000/-. During investigation on the memorandum of co-accused Afzal Khan the stolen articles were seized from the house of the present applicant. On report being lodged to the above effect, offence has been registered against the accused persons.
- 4) Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question. He submits that applicant is in jail since 07/12/2020, charge sheet has been filed, there is no criminal antecedents against the applicant and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail.

- 5) On the other hand, learned counsel for the State opposes the bail application. However, he submits that applicant has no criminal antecedents.
- 6) Heard learned counsel for the parties.
- 7) Considering the facts and circumstances of the case, the detention period of the applicant who is 25 years old, charge sheet has already been filed, offence is triable by Magistrate, the applicant is the young offender having no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. It is directed that in the event of the applicant executing a personal **bond** for a sum of **Rs. 1,00,000/-** with two sureties of Rs. 50,000/- 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,
 - 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 Govt./State Govt./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**

Chandrakant