

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3490 of 2021**

1. Santosh Kumar S/o Bhakkuram Sarthi, Aged About 20 Years,
2. Goyal Sarthi S/o Pitambar Sarthi, Aged About 21 Years,

Both are R/o Puchhapara Ward No. 8 Katghora, Thana Katghora,  
District Korba (C.G.).

**---- Applicants**

**Versus**

1. State Of Chhattisgarh, Through Police Station Katghora, District Korba (C.G.).

**---- Non-applicant**

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|-------------------------|---|-----------------------------|
| For Applicants          | : | Mr. Vikas Pandey, Advocate. |
| For Non-Applicant/State | : | Mr. Chitendra Singh, P.L.   |

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**Hon'ble Justice Shri Gautam Chourdiya**

**Order on Board**

**28/06/2021**

- 1) The matter is heard through Video Conferencing.
- 2) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 27/01/2021 in connection with Crime No. 22/2021 registered at Police Station Katghora, District Korba (C.G.) for the offence punishable under Section 457, 380, 34 of IPC.
- 3) Case of the prosecution, in brief, is that on 27/01/2021 complainant Arjun Singh Kanwar lodged a report that in the intervening night of 25/01/2021 some unknown persons committed house trespass and committed theft of Gas Cylinder and paddy of HMT brand. During investigation, statement of the complainant was recorded and accused persons were apprehended. In the Memorandum of the accused persons, they admitted the commission of the offence and the stolen articles were recovered from their possession.

- 4) Learned counsel for the applicants submit that the applicants are innocent and have been falsely implicated in the case. He submits that applicants were arrested on 27/01/2021. He also submits that charge sheet has been filed and conclusion of trial is likely to take some time for its disposal. Therefore, the applicants be released on bail by this Court.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail application. However, he submits that the applicant Santosh Kumar has one criminal antecedent of like nature whereas the Goyal Sarthi has no criminal antecedents.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicants, the offence is triable by Magistrate First Class, the fact that charge sheet has already been filed, there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the counsel, and that the trial is likely to take some time for its disposal, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event **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, and
  - iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
  - iv. they shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority.

- v. 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