

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3510 of 2021**

- Anubhav Yadav, S/o Krishna Yadav, Aged About 19 Years, R/o. Ward No. 05, Azad Chowk Chhuikhadan, District Rajnandgaon (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Chhuikhadan, District- Rajnandgaon (Chhattisgarh).

---- Respondent

For Applicant	:	Mr. Pramod Ramteke, Advocate.
For Respondent/State	:	Ms. Deepti Shukla, P.L.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****30/07/2021**

- 1) Proceeding through Video Conferencing.
- 2) The applicant has preferred this application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 06/02/2021 in connection with Crime No. 199/2021 registered at Police Station Chhuikhadan, District- Rajnandgaon (C.G.) for the offence punishable under Sections 457, 380, 461 of Indian Penal Code.
- 3) Allegation against the applicant is that on 24.08.2020, complainant lodged a report alleging in the night intervening 23-24/08/2020, unknown persons committed theft of one box containing cigarettes amounting to Rs. 2800/- and cash of Rs. 6000/- from the shop of the complainant.
- 4) Learned counsel for the applicant submits that he has been falsely implicated in this case, the applicant is in jail since 06.02.2021, charge-sheet has already been filed, there is no apprehension of the applicant absconding or tempering with the evidence of the prosecution, due to COVID-19 pandemic, conclusion of the trial is likely to take some time, and, therefore, the applicant be released on

bail.

- 5) On the other hand, learned counsel for the respondent/State opposes the bail application submitting that the present applicant is a habitual offender.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation against the applicant, the detention period of the applicant who is 19 years old, the fact that charge-sheet has already been filed, there is no apprehension of the accused absconding or tempering with the evidence of the prosecution, due to COVID-19 pandemic, disposal of the trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 7) 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 for the like amount to the satisfaction of the concerned Trial Court, he shall be released on bail on the following conditions:-
 - (a) 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.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (d) he shall not involve himself in any offence of similar nature in future.
 - (e) he shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.
- 8) 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**