

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 3566 of 2021

1. Chotu Kushwaha, S/o Vijay Kushwaha, Aged About 22 Years,
 2. Dinesh Kushwaha, S/o Devfal Kushwaha, Aged About 29 Years,
- Both are R/o Tiwari Mohalla Near Aanganbadi Mohana, District-Gwalior M. P. **---- Applicants**

Versus

- State of Chhattisgarh, Through- P. S. Bodhghat, District Bastar-Chhattisgarh. **---- Non-Applicant**

For Applicants	:	Shri Vikash Shrivastava, Advocate
For Non-Applicant/State	:	Shri Chitendra Singh, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

22.07.2021

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 01.03.2021 in connection with Crime No. 54/2021 registered at Police Station- Bodhghat, District- Bastar (C.G.) for the offence punishable under Section 457, 380/34 of IPC.
- 2) Case of the prosecution, in brief, is that on in the night intervening 26-27.02.2021, the present applicants entered in the shop of the complainant when the shop was closed and the applicants stole the 40 numbers of Nylon tyre, radial tyre, Tata grease, timken grease, Servo engine oil worth Rs. 7,22,532/-. On report being lodged to the above effect, the offence has been registered against the unknown persons and during investigation the present applicants were arrested and on their memorandum statements, stolen articles were seized.
- 3) Learned counsel for the applicants submits that the applicants

have been falsely implicated in the crime in question. Learned counsel for the applicants further submit that the applicants have only one criminal antecedent of similar nature registered in Madhya Pradesh, charge-sheet has already been filed, there is no likelihood of the applicants tampering with the prosecution evidence or absconding and the applicants are in jail since 01.03.2021 and due to COVID-19 trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application, however, he submits that the applicants have one criminal antecedent of similar nature.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, nature of allegation made against the present applicants, the detention period of the applicants, who are 22 and 29 years old and the fact that the charge-sheet has already been filed, 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, the application is allowed.
- 6) 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 local 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:-
 - (a) 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,
 - (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,

- (d) they shall not involve themselves in any offence of similar nature in future,
- (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

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

Nadim