

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3356 of 2021**

- Jaychand, S/o Shri Bhindari Ram, aged about 35 Years, R/o Vill.- Jujagu, P.S. and Tahsil - Bagicha, Distt.- Jashpur (Chhattisgarh).

----Applicant

Versus

- State of Chhattisgarh, Through P.S.- Bagicha, Distt.- Surajpur (Chhattisgarh).

----Non-applicant

MCRC No. 4243 of 2021

- Jaychand, S/o Shri Bhindari Ram, aged about 35 Years, R/o Vill.- Jujagu, P.S. and Tahsil - Bagicha, Distt. Jashpur (Chhattisgarh).

----Applicant

Versus

- State of Chhattisgarh, Through P.S.- Bagicha, Distt.- Jashpur (Chhattisgarh).

----Non-applicant

For Applicants	Mr. Jai Prakash Shukla, Advocate.
For State	Ms. Deepti Shukla, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya **Order on Board****19/07/2021**

- Both the aforesaid bail applications filed under Section 439 of Cr.P.C. are being disposed of by this common order.

Applicant	Crime Nos. and Police Station	Offence under Sections	In jail since
Jaychand	Crime No. 58/2021, Police Station Bagicha, District Jashpur, C.G.	Sections 379, 380 & 457 of Indian Penal Code	04.04.2021

Jaychand	Crime No. 64/2021, Police Station Bagicha, District Jashpur, C.G.	Sections 379, 380 & 457 of Indian Penal Code	04.04.2021
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2. As per the prosecution case, on 10.03.2021 in the night, the applicant committed theft of motorcycles of complainants- Ram Bhai Singh and Mahesh Ram. During investigation, the applicant was arrested and in his memorandum, he admitted to have committed theft of motorcycles along with his companions Narsingh Khamar and Basant Kindo. On his memorandum, the stolen articles were seized from his possession.
3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that there is no direct proof of applicant's involvement in the alleged crime. The applicant is in jail since 04.04.2021, charge sheet has already been filed and due to COVID-19 pandemic, conclusion of trial is likely to take some time. Therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail applications. However, she submits that applicant has no criminal antecedents.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, detention period of the applicant, who is 35 years old, charge sheet has already been filed, the fact that the applicant has no criminal antecedents and there is no likelihood of the applicant tampering

with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic, conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the applications are allowed. It is directed that in the event of 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 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, 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