

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4676 of 2021

1. Tuluram S/o Nohar Markam, Aged About 41 Years.
2. Niranjana Sori S/o Ramnath Sori, Aged About 36 Years,
3. Kejuram S/o Late Nohar Ram Netam, Aged About 30 Years,

All are R/o Village Rtavadih, Police Station Nagari, District Dhamtari (C.G.).

---- Applicants

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Magarlod, District Dhamtari (C.G.).

---- Non-applicant

For Applicants	: Mr. Arun Kumar Shukla, Advocate.
For Non-Applicant/State	: Mr. Chitendra Singh, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

27/07/2021

- 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 20/06/2021 in connection with Crime No. 140/2021 registered at Police Station Magarlod, District Dhamtari (C.G.) for the offence punishable under Section 379, 411, 34 of Indian Penal Code and Section 3 of Prevention of Damage to Public Property Act.
- 3) As per the prosecution case, prior to 19/06/2021 co-accused Dayaluram Netam and Shatrughan Netam with common intention committed theft of 3000 meters of Barbed Wire of the Forest Department and sold the same to the applicants of worth **Rs. 3 Lakh**. On the memorandum statements of co-accused Dayaluram Netam and Shatrughan Netam, the stolen articles and cash amount

were recovered from the applicants.

- 4) Learned counsel for the applicants submit that the applicants are innocent and have been falsely implicated in the case. The applicants were arrested on 20/06/2021 and charge sheet has already been filed. He also submits that the applicants have no criminal antecedents 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 State opposes the bail application. However, he submits that the applicants have 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, charge sheet has been filed and the fact that the applicants have no criminal antecedents and there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the counsel, offence is triable by Magistrate and that conclusion of trial may take some time, 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,
 - 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