

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 4827 of 2021

- Dhaneshwar Das Manikpuri, S/o Late Ishwardas Manikpuri, Aged About 25 Years, R/o Behind Bus Stand, Shiv Mandir Road, Khairagarh, Tahsil Khairagarh, District- Rajnandgaon, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- The Station House Officer, Police Station Khairagarh, District- Rajnandgaon, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Shikhar Sharma, Advocate

For Non-Applicant/State : Shri Priyanshu Gupta, P.L.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

05.08.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 05.03.2021 in connection with Crime No. 411/2020 registered at Police Station- Khairagarh, District- Rajnandgaon (C.G.) for the offence punishable under Section 379, 201, 34 of IPC.
- 2) The allegation against the applicant is that he alongwith other co-accused persons committed theft of one motorcycle- Pulsar made Bajaj, dismantled it and hid the same behind the Revadih liquor shop. During investigation the applicant was arrested and on his memorandum the parts of the motorcycle were seized and other accused persons were also arrested.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further

submits that the co-accused person has already been granted regular bail by this Court vide order dated 08.04.2021 in MCRC No. 2601/2021, stolen article was seized from the co-accused, there is no likelihood of the applicant tampering with the prosecution evidence or absconding the applicant has been arrested on 05.03.2021 and due to COVID-19 trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has two of criminal antecedents of similar nature.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicant, stolen article was seized during investigation, the detention period of the applicant, who 25 years old and the fact that the applicant has no criminal antecedents, 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 fact that co-accused person has already been filed granted regular bail by this court, on the ground of parity, without commenting anything on merits of the case, the application is allowed.
- 6) 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 to the satisfaction of the concerned Trial Court, he shall be released on bail, on 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

Nadim