

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 4772 of 2021

- Vikash Soni, S/o Shri Durga Prasad Soni, aged about 37 years, R/o- Village- Samatpur, Ward No. 8, Adarsh Marg, Annuppur, P.S. Annuppur, District Annuppur, (M.P.)

---- Applicant

Versus

- State of Chhattisgarh, Through – Station House Officer, Police Station – Kotwali, Rajnandgaon, District Rajnandgaon, (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Vivek Kumar Agrawal, Advocate
For Non-Applicant/State	:	Shri C.B. Kesharwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

28.07.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 19.06.2021 in connection with Crime No. 300/2021 registered in Police Station- Kotwali, Rajnandgaon, District Rajnandgaon (CG) for the offence punishable under Sections 380, 457 & 411 of IPC.
2. Case of the prosecution is that on 08.06.2021 complainant namely Chunnalal Dekate lodged the report against unknown person alleging that some unknown person has theft golden and silver articles from his house amounting to Rs.2,40,000/- when he alongwith his family is out of station i.e. Nagpur. During investigation, the police has arrested the present applicant and registered the offence under the aforementioned sections of IPC against the applicant.

3. Learned counsel for the applicant submits that the applicant has a jewelry shop and he purchased the golden and silver articles from other person. He further submits that the applicant has been falsely implicated in the crime in question, the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 19.06.2021 and due to Covid-19 pandemic, 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-Applciant/State opposes the bail application and submits that the applicant has no criminal antecedents.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the fact that as stated by learned counsel for the State, the present applicant purchased the theft of golden & silver articles in this regard some seizure has been made from the applicant, the applicant is a registered jeweler and has a shop, further considering the detention period of the applicant who is 37 years old, 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 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
6. 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 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/her 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.

7. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

vatti