

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5023 of 2021

1. Dharmendra Tunde, Aged About 30 Years,
 2. Goutam Tunde, Aged About 32 Years,
- Both S/o Seth Ram Tunde, Both R/o Village Kodapar, P.S. Kharora, District Raipur (C.G.).

----Applicants

Versus

1. State Of Chhattisgarh, Through Station House Officer, P.S. Kharora, District Raipur (C.G.).

---- Non-Applicant

For Applicants	:	Mr. Rekhraj Baghel, Advocate.
For Non-Applicant/State	:	Mr. Priyanshu Gupta, P.L.

MCRC No. 5054 of 2021

1. Satya Anchal S/o Shri Dinesh Anchal, Aged About 18 Years, R/o Village And P. S. Kunda, District Kawardha (C.G.).

----Applicant

Versus

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

---- Non-Applicant

For Applicant	:	Mr. Rekhraj Baghel, Advocate.
For Non-Applicant/State	:	Mr. Priyanshu Gupta, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order On Board

02/08/2021

- 1) The matter is heard through Video Conferencing.
- 2) Since both these First Bail Applications arise out of the same crime number, they are being disposed of by this common order.

- 3) Applicants have filed these First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as applicants are in jail since 21/05/2021 in connection with Crime No. 01/2021, registered at Police Station Kharora, Raipur, District Raipur (C.G.) for the offence under Section 41(1+4) of the Code of Criminal Procedure, 1973 and under Section 379, 380, 411, 34 of Indian Penal Code.
- 4) As per the prosecution case, on 21/05/2021 the Sub Inspector of Police Station Kharora received a secret information that some boys are carrying the stolen paddy in Leyland vehicle bearing \No. CG04 NH 6410 for the purpose of selling the same. On this the Sub Inspector alongwith Police staff apprehended the accused appellants and others and on interrogation they admitted to have committed theft at many places. On the memorandum of the accused persons the stolen articles were seized from the possession and the aforesaid offences has been registered against them.
- 5) Learned Counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case by the complainant. He submits that the stolen property have already been seized by the Police and there is no apprehension of the applicants tampering with the evidence or absconding. He further submits that applicants are in jail since 21/05/2021, charge sheet has been filed and due to Covid-19 Pandemic conclusion of trial is likely to take some time for its disposal. Therefore, the applicants deserve to be released on bail.
- 6) On the other hand, learned counsel for the State opposes the bail applications. However, he submits that the applicants have certain criminal antecedents.
- 7) I have heard learned Counsel for the parties.
- 8) Considering the facts and circumstances of the case, the nature of allegations against the applicants, the detention period of the applicants who are 30, 32 and 18 years old respectively, charge

sheet has been filed, the fact that there is no apprehension of the applicants tampering with the evidence or absconding as admitted by counsel for the parties and that conclusion of trial may take some time due to COVID-19 Pandemic, the applications are **allowed**. 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 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 strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
- iv. 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