

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4806 of 2021**

- Govind Samundre, S/o Ramesh Prasad, aged about 27 years, R/o Ward No. 8, Sanjay Nagar Korba, Tehsil and District Korba, Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh, Through P.S. Kotwali Korba the Station House Officer Kotwali, District Korba, Chhattisgarh

---- Non-applicant**MCRC No. 5773 of 2021**

- Akash Singh Rajput, S/o Shri Ram Singh Thakur, aged about 19 years, R/o. 782 Motisagar Para, Korba, Tehsil-Korba, District- Korba (Chhattisgarh)

---- Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer, City Kotwali Korba, District- Korba (Chhattisgarh)

---- Non-applicant

For Applicants	:	Shri Shubham Dev Mallick and Shri Surfaraj Khan, Advocates.
For Non-applicant/State	:	Shri Shreshta Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****13.08.2021**

1. The matter is heard through Video Conferencing.
2. The Applicants have preferred these first bail applications under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No. 479/2021 registered at Police Station City Kotwali, District Korba (C.G.) for the offence punishable under Section 457, 380 & 34 of Indian Penal Code.

3. As per the prosecution case, on 01.06.2021, the complainant had slept after having dinner. At night suddenly she woke up at 04.00 am and saw that the mobile phone OPPO A1k amounting Rs. 8,000/- was missing from her house and on this basis, a complaint was lodged by the complainant before the Police Station Kotwali, Korba on 03.06.2021. During investigation, the Applicants and one co-accused Dilesh Chouhan were taken into custody and in their memorandum statements they admitted to have committed theft of the said mobile from the home of the complainant.
4. Learned counsel for the Applicants submit that Applicants have been falsely implicated in this case. They submit that no offence was committed by the Applicants. Applicants are in custody since 03.06.2021, charge-sheet has not been filed and conclusion of the trial is likely to take some time. Therefore, they may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail applications and submits that there are number of criminal antecedents against the Applicants.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation against the Applicants, detention period of the Applicants, who are 27 years and 19 years old, the stolen mobile has already been seized, there is no likelihood of the Applicants tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time, 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. 1,00,000/- with two sureties of Rs. 50,000/- 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 Government / State Government / Local Authority,
- (v) they shall not involve themselves in any offence of similar nature in the 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 the future.

Sd/-
(Gautam Chourdiya)
Judge