

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4890 of 2021

1. Shrinath Baburao S/o Kailaiya, Aged About 46 Years, R/o Qtr. No. 5/R, Sadak No. 12, Sector 6, Bhilai, Tahsil And District Durg (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Outpost Smriti Nagar, Police Station Supela, Bhilai, District Durg (C.G.).

---- Non-Applicant

For Applicant : Mr. Purnendra Khichariya, Advocate.
For Non-Applicant/State : Mr. C.B. Kesharwani, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

29/07/2021

- 1) The matter is heard through Video Conferencing.
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 08/06/2021 in connection with Crime No. 227/2021 registered at Outpost Smriti Nagar, Police Station Supela, Bhilai, District Durg (C.G.) for the offence punishable under Section 406 of Indian Penal Code.
- 3) As per prosecution case, on 18/03/2021 the Hukka Bar which was being illegally run at Surya Treasure Island was sealed by the authorities of the Municipal Corporation, Bhilai in presence of the applicant. However, on 20/03/2021 the applicant having broken the seal and the lock on the Bar again started running the same illegally. On report being lodged to the above effect, the aforesaid offence has been registered against the accused persons.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that applicant is in jail since 08/06/2021, there is no criminal antecedents against the applicant and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail.
- 5) On the other hand, learned counsel for the State opposes the bail application. However, he submits that applicant has no criminal antecedents.
- 6) Heard learned counsel for the parties.
- 7) Considering the facts and circumstances of the case, the detention period of the applicant who is 46 years old, offence is triable by Magistrate First Class, the applicant is the young offender having no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. It is directed that in the event of the applicant 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, he shall be released on bail on the 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,
 - 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 Govt./State Govt./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**

Chandrakant