

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5049 of 2021

1. Rakesh Tandan S/o Shri Prakash Tandan, Aged About 21 Years, R/o Village Farhar, Post Paneka, Ward No. 10, Thana Lalbag, District Rajnandgaon (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through District Magistrate Rajnandgaon, District Rajnandgaon (C.G.).

---- Non-Applicant

For Applicant	: Mr. Samir Singh, Advocate.
For Non-Applicant/State	: Mr. Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

10/08/2021

- 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 09/06/2021 in connection with Crime No. 304/2020 registered at Police Station Lalbag, District Rajnandgaon (C.G.) for the offence punishable under Section 457, 380/34 of Indian Penal Code.
- 3) Allegation against the present applicant is that in the night intervening 25th and 26th July 2020 he entered the Grocery Shop of the complainant Thakur Ram by breaking open the lock of the shop and committed theft of Rs. 1,46,500/-. On the memorandum of the applicant, cash of Rs. 19,000/-, purse of the complainant containing his Voter ID. Card, Driving Licence, Identity Card and passport size photographs were seized.
- 4) Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question. He submits that charge sheet has been filed and the applicant is in jail since 09/06/2021 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 on the date of incident the applicant also committed theft of Rs. 14,000/- in the house of one Mangal Singh which is registered under Crime No. 305/2020 for the offence under Section 457, 380 of Indian Penal Code. In the past the applicant also committed theft by breaking open the lock of Van.
- 6) Heard learned counsel for the parties.
- 7) Considering the facts and circumstances of the case, the nature of allegation against the present applicant, the detention period of the applicant who is 21 years old, charge sheet has already been filed, the offence is triable by Magistrate, the fact that the applicant has one criminal antecedent, 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. 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 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