

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4983 of 2021**

- Dinesh Kumar Soni, S/o Anokhilal Soni, aged about 53 Years, R/o Ward No. 02, Plot Number 13, Janki Nagar Abdulla Ganj, P. S. and Tehsil Gohargunj, District Raisen, Madhya Pradesh.

----Applicant**Versus**

- State of Chhattisgarh, Through Police PS Kotwali, District Rajnandgaon, Chhattisgarh.

---Non-applicant

For Applicant	Shri Priyank Rathi, Advocate.
For State	Shri Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

11/08/2021

1. The matter is heard through Video Conferencing.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.300/2021 registered at Police Station Kotwali, District Rajnandgaon, C.G. for the offence punishable under Sections 457, 380, 411 read with 34 of Indian Penal Code.
3. Case of the prosecution is that on 08.06.2021 complainant namely Chunnilal Dekate lodged a report against unknown person alleging that some unknown person committed theft of golden & silver articles from his house amounting to Rs.2,40,000/- when he had gone to Nagpur. During investigation,

offence under the aforesaid Sections have been registered against the present applicant along with co-accused.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that applicant has not played any role in alleged offence, applicant is in jail since 03.07.2021, charge sheet has already been filed, due to COVID 19-pandemic, conclusion of trial is likely to take some time and that co-accused person namely- Vikash Soni in this case has already been granted regular bail by this Court vide order dated 28.07.2021 in MCRC No.4772 of 2021 and, therefore, the applicant be released on bail on the ground of parity.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation against the applicant, the detention period of the applicant, who is 53 years old, charge sheet has been filed, the fact that the co-accused person in this case has already been granted regular bail by this Court, the applicant has no criminal antecedent and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant.

Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond in the 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, 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.

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 any offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh