

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5005 of 2021

1. Rajkumar Mandavi, S/o Late Shri Saronaram Mandavi, Aged About 53 Years, R/o Mahatma Ward, Dhamtari, Revenue and Civil District Dhamtari, Chhattisgarh.
 2. Smt. Punabai Mandavi W/o Santosh Mandavi Aged About 40 Years Cast- Resident of Miritola Purur, Police Station Purur, District- Balod, Chhattisgarh.
- Applicants**

Versus

- State of Chhattisgarh, Through Officer In Charge of Police Station Kanker, District North Bastar, Kanker, Chhattisgarh.

---- Non-Applicant

For Applicants : Shri Sandeep Dubey, Advocate

For Non-Applicant/State : Shri Shreshtha Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

05.08.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 06.04.2021 in connection with Crime No. 99/2021 registered at Police Station- Kanker, District- North Bastar Kanker (C.G.) for the offence punishable under Section-419, 420 of IPC.
- 2) Case of the prosecution, in brief, is that on 04.03.2021 when the complainant was at her home alongwith her husband, the applicant No.2 came to their home for selling honey. During the course of discussion with that applicant No.2 the complainant told her about her illness. Thereafter, applicant No.2 suggested the complainant that her brother-in-law (jeth) applicant No.1 is a priest and he can cure her illness. In this way, the complainant

met the applicant No.1, who took her jewellery & cash of Rs. 42,000/- in the name of offering the same to deities and not returned the same for two days. Thereafter, the report was lodged against the present applicants.

- 3) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, he further submits that the applicant have no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, the applicants have been arrested on 06.04.2021 and due to COVID-19 trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicants have no criminal antecedents.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicants, the aforesaid articles have been recovered, charge-sheet has already been filed, the detention period of the applicants, who is 40 and 53 years old and the fact that the applicant has no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels and due to COVID-19 conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) 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 following conditions :-
 - (a) 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,

(b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,

(d) they shall not involve themselves in any offence of similar nature in future,

(e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

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

Nadim