

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 5290 of 2021

- Harendra Singh @ Master Ji S/o Late Nanku Singh, aged about 40 years, R/o Village Kolpurva, P.S. Barvadih, District Latehar (Jharkhand) Presently R/o Abadganj, P.S. Sadar Daltonganj, District Palamu (Jharkhand)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer P.S. Ambikapur, District Surguja (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Nishi Kant Sinha, Advocate
For Non-Applicant/State	:	Shri Rahim Ubwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

10.08.2021

1. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as he is in jail since 30.06.2018 in connection with Crime No. 07/2017 registered in Police Station- Ambikapur, District Surguja (CG) for the offence punishable under Sections 395, 397, 412, 120 B & 201 of IPC and Sections 25 & 27 of Arms Act.
2. The first bail application of the applicant was dismissed on merits vide order dated 08.01.2019 passed in M.Cr.C. No. 9763/2018 by the coordinate bench of this Court.
3. Prosecution story in brief is that on 04.01.2017 dacoity was committed in Manippuram Gold Loan Branch Bramha Road, Ambikapur and 12 Kg gold worth Rs.2,50,00,000/- and a cash of Rs. 1,54,000/- were looted by the accused persons. The applicant herein obtained some looted gold about 22 gms knowing well that it is the looted property.

4. Learned counsel for the applicant submits that the applicant is innocent persons and has been falsely implicated in this case. The applicant is in jail since 30.06.2018, charge-sheet has already been filed. There are as many as 42 witnesses and till date only 13 witnesses have been examined and conclusion of the trial is likely to take some time due to Covid-19 pandemic. He further submits that the applicant has no criminal antecedents, therefore, he be released on bail. He also submits that co-accused namely Saket Soni @ Lulu Soni and Virendra Prasad Swarnakar have already been granted regular bail by this Court vide order dated 14.06.2021 passed in M.Cr.C. No. 635/2021 & M.Cr.C. No. 966/2021 in the same crime, copy of bail order is marked as Annexure-A/4 in the present bail application.
5. On the other hand, learned counsel for the State opposes the bail application and submits that the applicant has no criminal antecedents.
6. Considering the facts and circumstances of the case, the applicant has obtained looted property from the dacoits and as per his memorandum, 22 gms melted gold pieces were seized from him, the pre-trial detention of the applicant who is 40 years old which comes to about three years and two months, charge-sheet has already been filed, there is no progress in trial as out of 42 witnesses only 13 witnesses have been examined so far, due to covid-19 pandemic, conclusion of trial may take some time, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and further that the co-accused persons have already been granted regular bail by this Court, without commenting anything on merits of the case, the application is allowed.
7. It is directed that in the event of applicant executing a personal bond for a sum of Rs.4,00,000/- with two sureties of Rs.2,00,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on 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/her 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.
8. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

vatti