

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5233 of 2021

1. Vishal Sharma S/o Late Shyam Sunder Sharma, Aged About 23 Years (Not Mentioned In The Rejection Order), R/o Lakholi Janta Colony, Rajnandgaon, District Rajnandgaon (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Gatapar, District Rajnandgaon (C.G.).

---- Non-Applicant

For Applicant : Mr. Vivek Kumar Shrivastava, Advocate.
For Non-Applicant/State : Mr. Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

06/08/2021

- 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 24/06/2021 in connection with Crime No. 12/2021 registered at Police Station Gatapar, District Rajnandgaon (C.G.) for the offence punishable under Section 454, 380 of Indian Penal Code.
- 3) As per prosecution case, complainant Tameshwar Vaishnav lodged a written report on 02/02/2021 to the effect that his wife had kept his jeweleries i.e. golden ear rings worth Rs. 20,000/-, golden Mangal Surta worth Rs. 18,000/- i.e. total Rs. 38,000/- but when on 16/02/2021 when she checked the same, it were found missing. Daughter of the complainant informed them that the present applicant had come to their house and committed theft of the aforesaid jeweleries and also threatened her of life if she disclosed about the same to anyone.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that in fact the jeweleries of the complainant's wife were misplaced and on suspicion they lodged report against the present applicant whereas those jeweleries have been found by the complainant in their house only and as such the complainant has no objection to release of the applicant on bail which is evident from his affidavit alongwith the covering memo. He submits that the applicant is in jail since 24/06/2021 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 the applicant has no criminal antecedents.
- 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 fact that the complainant on affidavit has raised no objection to release of the applicant on bail, the detention period of the applicant who is 23 years old, charge sheet has already been filed, the fact that the applicant has 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