

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**(Proceedings through Video Conferencing)**

**MCRC No. 5404 of 2021**

- Nanki @ Prakash Rajgir, S/o Roshan Rajgir, Aged About 19 Years, R/o Tikarapara Rajgir Mohalla, Beside Dr Ghosh Gali Near Maharashtra Mandal Bilaspur, Police Station- City Kotwali, Tahsil and District- Bilaspur, Chhattisgarh. ---- **Applicant**

**Versus**

- State of Chhattisgarh, Through- The Police Station Tarbahar, District- Bilaspur, Chhattisgarh. ---- **Non-Applicant**

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For Applicant : Shri Pravin Kumar Tulsyan, Advocate

For Non-Applicant/State : Shri Chitendra Singh, Government Advocate

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**Hon'ble Shri Justice Gautam Chourdiya**

**Order on Board**

**16.08.2021**

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 28.03.2021 in connection with Crime No.52/2021 registered at Police Station- Tarbahar, District- Bilaspur (C.G.) for the offence punishable under Section 392 of IPC.
- 2) Case of the prosecution, in brief, is that when the wife of the complainant Prabha Agrawal alongwith her sister Priyanka Agrawal were going towards Gayatri Mandir Gali Number-3 at about 6 pm, one unknown person was coming from paratha house gali on motorcycle, snatched gold chain of 25 gm worth Rs. 1,00,000/- from the neck of Prabha Agrawal and fled away towards gali number 2. On report being lodged to the above effect, the aforesaid offence has been registered against the unknown person and during investigation the applicant was

arrested.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further submits that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding the applicant has been arrested on 28.03.2021, charge-sheet has already been filed, the applicant was identified by one Renu but incident took place with the wife of the complainant and due to COVID-19 trial is likely to take some time for its final disposal. Therefore, the applicant 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 applicant has no criminal antecedents.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the allegation made against the present applicant, during investigation the gold article was seized from the house of the applicant, the applicant was identified by one Renu whereas incident took place with the wife of the complainant, charge-sheet has already been filed, the detention period of the applicant, who is 19 years old and 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 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 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 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 similar offence in future.

Sd/-  
**(Gautam Chourdiya)**  
**Judge**

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