

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5477 of 2021

1. Ramesh Kumar Patle, S/o Late Dukhiram Patle, Aged About 28 Years, Resident of Dongri and Police Station Baloda and District Janjgir-Champa, Chhattisgarh.
 2. Om Prakash, S/o Phoolchand Patle, Aged About 26 Years, Resident of Dongri, Police Station Baloda, District- Janjgir-Champa, Chhattisgarh.
- Applicants**

Versus

- State of Chhattisgarh, Through S.H.O. Police Station Kusmunda, District- Korba, Chhattisgarh.
- Non-Applicant**

For Applicants : Shri Vijay Kumar Sahu, Advocate

For Non-Applicant/State : Shri C.B. Kesharwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

17.08.2021

Heard.

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 07.07.2021 in connection with Istgasa No. 15/2021 registered at Police Station- Kusmunda, District- Korba (C.G.) for the offence punishable under Section 41 (1-4) of CrPC and 379 of IPC.
- 2) The allegation against the present applicants alongwith other co-accused persons stole 350 bulk litre diesel worth Rs. 33,000/- from the standing vehicle in SECL coal mines at Kusmunda.
- 3) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. Learned

counsel for the applicants further submits that the applicants have no criminal antecedent, they are the first offenders, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, the applicants are in jail since 07.07.2021 and trial is likely to take some time for 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, however, he submits that the applicants have no criminal antecedent.
- 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 detention period of the applicants who are 26 & 28 years old and the fact that the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsel and 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. 50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on the 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