

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5523 of 2021

- Anil Kumar Rathor, S/o Shri Ramanarayan Rathor, Aged About 33 Years, Occupation Cultivator and Labour, Caste Rathor, Resident of Raliya, Police Station Kusmunda, Tahsil Hardibazar, District- Korba, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station Bankimongra, Korba, District- Korba, Chhattisgarh.

---- Non-Applicant

For Applicant : Ms. Seema Singh, Advocate

For Non-Applicant/State : Mr. C. B. Kesharwani, P.L.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

18.08.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail in connection with Crime No.10/2021 registered at Police Station – Bankimongra, District- Korba(C.G.) for the offence punishable under Sections 379, 465, 467, 468, 471 & 120-B of IPC.
- 2) Case of the prosecution, in brief, is that the applicant, who is doing transportation business, in connivance with other co-accused persons hatched a conspiracy to steal one vehicle trailer bearing registration number CG-04/JC-0239, executed his plan successfully and prepared forged RC book of the said vehicle. During the course of investigation, the present applicant alongwith co-accused were arrested and the said vehicle was

recovered.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, she further submits that during investigation the said vehicle was seized by the police. It is further submitted that co-accused person namely Hemant Kumar Patel has already been granted bail by the co-ordinate Bench of this Court vide order dated 05.07.2021 in MCRC No. 2543/2021, charge-sheet has already been filed. 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 17.01.2021 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 nature of allegation made against the present applicant, the stolen vehicle was seized by the police, charge-sheet has already been filed, co-accused has already been granted bail by the co-ordinate Bench of this Court, the detention period of the applicant, who is 33 years old, 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 counsel 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.50,000/- with one surety for the like amount 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

Nadim