

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5399 of 2021

- Rajkumar @ Raju, S/o Mahendra, Aged About 33 Years, R/o Village Basna, Police Station and Tahsil Basna, District- Mahasamund, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station Tendukona, District- Mahasamund, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Roshan Dubey, Advocate

For Non-Applicant/State : Shri Chitendra Singh, P.L.

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 06.10.2020 in connection with Crime No. 69/2020 registered at Police Station- Tendukona, District- Mahasamund (C.G.) for the offence punishable under Section 420/34 of IPC.
- 2) Case of the prosecution, in brief, is that on 10.09.2020 one unknown person came to the petrol pump of the complainant, showing himself as employee of construction company, requested to fill fuel in 3 jerrican and thereby 710 litre fuel was filled in three blue jerrican which were loaded in unregistered tractor. Thereafter the applicant leaving assured the employee of the petrol pump of paying the amount after breakfast went away from there did and not return. On report being lodged to the above effect the aforesaid offence has been registered against

the accused persons.

- 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 was granted temporary bail by the Court below and he did not misuse liberty, charge-sheet has already been filed 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-Applciant/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, considering the quantity of diesel taken away by the applicant, the detention period of the applicant, who is 33 years old, charge-sheet has already been filed 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 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. 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 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