

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 5328 of 2021

- Sandeep Hate S/o Shri Dinesh Hate, aged about 25 years, R/o Banstal, Sweeper Colony, Police Station : Golebazar, District Raipur (C.G.) M.No. 7398379801

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station : Golebazar, District Raipur (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri C.R. Sahu, Advocate
For Non-Applicant/State	:	Shri Anand Verma, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

11.08.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 04.12.2020 in connection with Crime No. 108/2020 registered in Police Station- Golebazar, District Raipur (CG) for the offence punishable under Section 392 of IPC and Section 25 & 27 of Arms Act.
2. As per prosecution story, on 18.11.2020 at about 09:00 pm, complainant Azad Banjare was going from Mekahara Hospital to Banstal in his Activa vehicle bearing registration No. CG-07 BM 8047, on the way near old bus-stand two unknown persons were sitting in his vehicle saying him to drop them at Katora Talab. Thereafter, one boy sitting in back side took out a knife and started quarrel with the complainant. The allegation against the present applicant and co-accused is that on point of knife they looted the Activa vehicle and mobile-phone of complainant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the

prosecution evidence or absconding, he is in jail since 04.12.2020 and due to Covid-19 pandemic, 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, considering the detention period of the applicant who is 25 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 counsels and due to covid-19 pandemic, 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 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/her 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.
7. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge