

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5725 of 2021

- Prabhugiri Goswami, S/o Prem Giri Goswani, Aged About 34 Years, R/o Deepopara Podi, P.S.- Bodla, Tehsil-Bodla, District-Kabirdham, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through Station House Officer, Kawardha, District- Kabirdham, Chhattisgarh. **---- Non-Applicant**

For Applicant : Shri Basant Dewangan, Advocate

For Non-Applicant/State : Shri Adil Minhaj, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

27.08.2021

Heard.

- 1) First bail application of the applicant was dismissed as withdrawn vide order dated 18.06.2021 in MCRC No. 1949/2021.
- 2) The applicant has preferred this Second Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 16.02.2021 in connection with Crime No.734/2020, registered at Police Station- Kawardha, District- Kabirdham (C.G.) for the offence punishable under Section 420/34 of IPC.
- 3) Allegation against the applicant is that he alongwith other co-accused persons came to the shop of the complainant and told him that they will double the gold by way of prayer, then the complainant gave the jewelry worth Rs. 2,35,000/- to the applicant. Thereafter, the applicant took away the said jewelry from the complainant and never came back.

- 4) 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 only one criminal antecedent, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 16.02.2021, charge-sheet has already been filed and due to COVID-19 trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.
- 5) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has one criminal antecedent of similar nature.
- 6) 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, charge-sheet has already been filed, the detention period of the applicant, who is 34 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 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.
- 7) 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. 2,00,000/- 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

Nadim