

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 5375 of 2021

1. Bedram, aged about 42 years S/o Renuram Gayakwad, R/o. Village Sewati, P.S. Tendukona, Tehsil Pithora, District Mahasamund, C.G.
2. Sureshan aged about 45 years, S/o Dalu Ganda, R/o Village Nagpada, P.S. Budhen, District Nuapada Odisha

---- Applicants

Versus

- State of Chhattisgarh, through : Police P.S. Khallari, District Mahasamund (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Priyank Rathi, Advocate
For Non-Applicant/State	:	Shri Shrestha Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

03.08.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 06.07.2021 in connection with Crime No. 101/2021 registered in Police Station- Khallari, District Mahasamund (CG) for the offence punishable under Sections 420 & 511/34 of IPC.
2. Allegation against the present applicants is that they alongwith other co-accused Tikam Singh Thakur contacted the complainant for selling him *hanuman chhap* coin dishonestly and fraudulently on the assurance that the said coin attracted rice and blade and would get him a good amount of money by selling it.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they have no criminal antecedents, they are languishing in jail since 06.07.2021, charge-sheet has been filed and due to Covid-19 pandemic, conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail. He also submits that co-accused namely Tikam Singh Thakur has already been granted bail by the trial Court in the same crime, the copy of the bail order is marked as

Annexure-A/2 in the present application.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties.
6. Having regard to the facts and circumstances of the case, considering the detention period of the applicants who are 42 & 45 years old, the fact that there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels and charge-sheet has already been filed, due to covid-19 pandemic, conclusion of trial may take some time, further that co-accused Tikam Singh Thakur has already been granted bail by the trial Court in the same crime, without commenting anything on merits of the case, the application is allowed.
7. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.1,00,000/- with two local sureties of Rs.50,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail, on following conditions :-
 - i. 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/her from disclosing such fact to the Court.
 - ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
 - iv. they shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
 - v. they shall not involve themselves in any offence of similar nature in future.
8. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge