

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5478 of 2021

1. Khilesh Kumar @ Bablu Sahare S/o Santosh Sahare, Aged About 21 Years, R/o Sanjay Nagar, Kurud, District Dhamtari (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Of Police Station Kurud, District Dhamtari (C.G.).

---- Non-Applicant

For Applicant	: Mr. Pushkar Sinha, Advocate appears on behalf of Mr. Anil Gulati, Advocate.
For Non-Applicant/State	: Mr. C.B. Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

15/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 05/07/2021 in connection with Crime No. 166/2021 registered at Police Station Kurud, District Dhamtari (C.G.) for the offence punishable under Section 457, 380, 34 of Indian Penal Code.
- 2) Allegation against the present applicant is that on 02-03/06/2021 he alongwith other co-accused entered the Shop of the complainant Jitendra Sahu by breaking open the lock of the Shop and committed theft of Cigarettes of Rs. 10,200/- and cash of Rs. 2,000/- total amounting **Rs. 12,200/-**. 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 submits that

charge sheet has been filed and the applicant is in jail since 05/07/2021 and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail.

- 4) On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has 02 criminal antecedents bearing Crime No. 296/2019 for the offence under Section 363, 458, 294, 323, 506, 34 of IPC and Crime No. 369/2020 for the offence under Section 25 of the Arms Act, registered at Police Station Kurud, District Dhamtari (C.G.) .
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the nature of allegation against the present applicant, the detention period of the applicant who is 21 years old, charge sheet has already been filed, the offence is triable by Magistrate, the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. 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. 1,00,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on the 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,
 - 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 Govt./State Govt./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**

Chandrakant