

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5566 of 2021

1. Mohd. Tufain S/o Mohd. Anish, Aged About 27 Years, Caste Musalman, R/o Village Basna, Tahsil Basna, Police Station Basna, District Mahasamund (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Basna, Civil And Revenue District Mahasamund (C.G.).

---- Non-Applicant

For Applicant : Mr. Sunil Verma, Advocate.

For Non-Applicant/State : Mr. Chitendra Singh, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

30/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 19/07/2021 in connection with Crime No. 386/2021 registered at Police Station Basna, District Mahasamund (C.G.) for the offence punishable under Section 457, 380, 193 & 407 of Indian Penal Code.
- 2) Allegation against the present applicant is that he himself lodged a false report at the Police Station that some unknown persons committed theft of Rs. 7,94,000/- from his house. However, on suspicion the applicant was taken into custody and he disclosed in his memorandum statement that he had kept the said amount of Rs. 7,94,000/- of his relative and he hid the said money at a remote place for repaying his loan and lodged a false report about the theft of this aforesaid amount.
- 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 19/07/2021. He submits that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding 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 no criminal antecedents.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the fact that the amount in question has already been seized from the applicant and disbursed to the victim, the detention period of the applicant who is 27 years old, charge sheet has already been filed, the fact that the applicant has no criminal antecedents and 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, 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