

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**(Proceedings through Video Conferencing)****M.Cr.C. No. 5762 of 2021**

- Aniket Yadav son of Parasram Yadav, aged about 21 years, residence of Barpali Gevra Basti, Thana Kusmunda, District – Korba (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh through, Police Station – Kusmunda, District - Korba (C.G.)

---- State/Non-Applicant**And****M.Cr.C. No. 6043 of 2021**

1. Yadram Kenwat son of Santuram Kenwat, aged about 24 years,
2. Jamuna Prasad Jangde son of Darshram Jangde, aged about 24 years, both residence of Barpali Gevra Basti, Thana Kusmunda, District - Korba (C.G.)
3. Ajay Shriwas son of Shivnarayan Shriwas, aged about 42 years, residence of Chunchunri, Gevra Basti, Thana Kusmunda, District Korba (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh through, Police Station – Kusmunda, District - Korba (C.G.)

---- State/Non-Applicant

For respective Applicants : Shri Vikas Kumar Pandey, Advocate

For Non-Applicant/State : Ms. Deepti Jha, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****27.08.2021**

1. As both the above first bail applications under Section 439 of Cr.P.C. preferred by the respective applicants arise out of the same Crime Numbers i.e. 322/2021 registered in same Police Station- Kusmunda, District Korba (CG) for the offence punishable under Sections 447, 379 read with Section 34 of IPC and Sections 3 & 7 of Essential Commodity Act, they are being disposed of by this common order.

2. As per prosecution case, complainant Amresh Kumar Singh lodged written complaint stating that some unknown person has theft Diesel from Drill Machine 6021711 of SECL at Kusmunda Mines. The police has registered offence under Section 447, 379 read with Section 34 IPC and Sections 3 & 7 of Essential Commodity Act against the unknown person. During investigation, the applicants were arrested by the police and seized 210 liters of Diesel amounting to Rs.16,380/- from the possession of the applicants.
3. Learned counsel for the respective applicants submit that the applicants have been falsely implicated in the crime in question, the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, they are in jail since 21.07.2021 and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail applications and submits that the applicants have 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 applicants who are 21, 24 & 42, years old, the fact that applicants have no criminal antecedents, there is no likelihood of the applicants 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 applications are allowed.
6. 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 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.

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 applicants involving themselves in similar nature of offence.

8. In result, M.Cr.C. No. 5762 of 2021 & M.Cr.C. No. 6043 of 2021 are allowed on the above terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge