

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5626 of 2021

- Jitendra Ray, S/o Baijnath Ray, Aged About 24 Years, R/o Village Ramgatha, Police Station Mohdinagar, Post Rajajan, District-Samstahpur (Bihar), Presently R/o Rajendra Nagar Urla, Raipur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- The Station House Officer, Police Station Bemetara, District- Bemetara, Chhattisgarh.

---- Non-Applicant

MCRC No. 5629 of 2021

- Adarsh Kumar @ Jaishriram Manjhi (Paswan), S/o Ashok Manjhi (Paswan), Aged About 21 Years, R/o Chhapra (Bihar), Presently R/o Rajendra Nagar Urla , Raipur, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- The Station House Officer, Police Station Bemetara, District- Bemetara, Chhattisgarh.

---- Non-Applicant

For Applicants : Mr. Suresh Kumar Verma, Advocate

For Non-Applicant/State : Dr. (Ms.) Veena Nair, Dy. A.G.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

01.09.2021

- 1) Since both these cases arise out of same crime number, they are being disposed of by this common order.
- 2) The applicants have preferred these First Bail Applications under Section 439 of Code of Criminal Procedure, 1973 as they are in

jail since 02.06.2021 in connection with Crime No. 328/2021 registered at Police Station- Bemetara, District- Bemetara (C.G.) for the offence punishable under Sections 457, 380, 34 of IPC.

- 3) Case of the prosecution, in brief, is that in the night intervening 29-30/05/2021 at about 2.30 am the present applicants entered the house of the complainant and stole home-theater worth Rs. 3,000/- and fled away.
- 4) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submits that nothing has been seized from the applicants, there is no likelihood of their tampering with the prosecution evidence or absconding and the applicants are in jail since 02.06.2021, charge-sheet has already been filed and due to Covid-19 pandemic, trial is likely to take some time for disposal. Therefore, the applicants be released on bail by this Court.
- 5) On the other hand, learned counsel for the Non-applicant/State vehemently opposes the bail applications and submits that as per order-sheet of the learned trial Court the applicants are involved in more than one offense and they are resident of other States.
- 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 applicants, the applicants committed theft of music system worth Rs. 3,000/-, charge-sheet has already been filed, the detention period of the applicants, who are 21 & 24 years old and there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsel 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.
- 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 sureties of

Rs.50,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

- (a) 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 from disclosing such fact to the Court,
- (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,
- (d) they shall not involve themselves in any offence of similar nature in future,
- (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

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 offence in future.

Sd/-
(Gautam Chourdiya)
Judge

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