

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5178 of 2021

1. Shahrukh Mansuri S/o Rahman Mansuri, Aged About 27 Years, R/o Indore, Nearby Vijay Palace, House Number-51, Police Station Rajendra Nagar, Tehsil Indore District Indore (Madhya Pradesh).
2. Salman Mansuri S/o Rahman Mansuri, Aged About 27 Years, R/o Indore, Nearby Vijay Palace, House Number-51, Police Station Rajendra Nagar, Tehsil Indore District Indore (Madhya Pradesh).

----Applicants

Versus

1. State Of Chhattisgarh, Through Police Station Saraipali, District Mahasamund (Chhattisgarh).

---- Non-Applicant

For Applicants	:	Mr. Kishore Narayan, Advocate.
For Non-Applicant/State	:	Mr. Priyanshu Gupta, Panel Lawyer.

MCRC No. 5643 of 2021

1. Nandkishore Kakare S/o Sukhchandra Kakare, Aged About 32 Years, R/o Minimata Nagar, Nagpur, District Nagpur (Maharashtra).

----Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Saraypali, District Mahasamund (Chhattisgarh).

---- Non-Applicant

For Applicants	:	Mr. Roop Naik, Advocate.
For Non-Applicant/State	:	Mr. Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri JusticeGautam Chourdiya
Order On Board

05/08/2021

- 1) The matter is heard through Video Conferencing.
- 2) Since both the applications arise out of the same crime number, they are being disposed of by this common order.

- 3) Applicants have filed these First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as applicants are in jail since 25/06/2021 & 26/06/2021 respectively in connection with Crime No. 244/2021, registered at Police Station Saraypali, District Mahasamund (C.G.) for the offence under Section 379, 201, 411/34 of Indian Penal Code.
- 4) As per the prosecution, during investigation into the offence of theft of Trucks in District Mahasamund, the Police arrested the applicant Nandkishore who disclosed in his memorandum regarding commission of theft of 02 Trucks in the year 2019 and 01 Truck in the year 2020 by him and stated that the same were sold to applicant Salman Mansuri. In his memorandum applicant Salman Mansuri admitted that the applicant Nandkishore sold him 04 stolen Trucks and out of which 03 Trucks were disposed of with the help of the applicant Shahrukh Mansuri.
- 5) Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case. There is no criminal antecedents of the applicants, the matter is under investigation and due to COVID-19 Pandemic the conclusion of trial is likely to take some time. Therefore, the applicants be released on bail.
- 6) On the other hand, learned counsel for the State opposes the bail applications. He submits that the applicants have no criminal antecedents.
- 7) Heard learned counsel for the parties.
- 8) **MCRC No. 5643/2021:** Considering the facts and circumstances of the case, the nature of allegation against the applicant Nandkishore that he was actively involved in the crime, committed theft of number of vehicles from the year 2019 to 2021 in the District Mahasamund (C.G.) and sold the same to another person, therefore, I am **not** inclined to grant bail to the applicant Nandkishore. Accordingly, bail application of applicant Nandkishore is **rejected**.

- 9) **MCRC No. 5178 of 2021**: Considering the facts and circumstances of the case, the nature of allegation against the applicants Shahrukh Mansuri and Salman Mansuri is that applicant Salman Mansuri purchased the stolen vehicle for **Rs. 1.5 Lakh** from applicant Nandkishore by giving him **Rs. 50,000/-** cash and transferring **Rs. 1 Lakh** in the account of the applicant Salman Mansuri in dismantlement the stolen Trucks only, the detention period of the applicants who are 27 and 27 years old respectively, the applicants have no criminal antecedent and there is no apprehension of the applicants tampering with the evidence or absconding as admitted by counsel for the parties and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**.
- 10) It is directed that in the event of **each** of the applicants 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, they shall be released on bail on the 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 from disclosing such fact to the Court,
 - ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial,
 - iii. they shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
 - iv. they shall not involve themselves 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 themselves in similar offence in future.

11) In the result :-

- **MCRC No. 5178/2021** is **allowed** on the aforesaid terms and conditions.
- **MCRC No. 5643/2021** is **rejected**.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant