

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5699 of 2021

1. Manmohan, S/o Dwarika Prasad, Aged About 22 Years,
 2. Deepak Netam, S/o Chhedi Lal Netam, Aged About 21 Years,
- Both are R/o Village- Bandha, P.S. Takhatpur, Tahsil- Takhatpur,
District- Bilaspur (C.G.).
3. Prakash Tiwari, S/o Gangaprashad Tiwari, Aged About 37 Years,
- R/o- Telipara, P.S. Civil Line, Bilaspur, Tahsil and District-
Bilaspur, Chhattisgarh. **---- Applicants**

Versus

- State of Chhattisgarh, Through - S.H.O., Police Station Pandatrai, District- Kabirdham, District : Kawardha, Chhattisgarh.

---- Non-Applicant

MCRC No. 5735 of 2021

1. Manmohan, S/o Dwarika Prasad, Aged About 22 Years,
 2. Deepak Netam, S/o Chhedi Lal Netam, Aged About 21 Years,
- Both are R/o Village- Bandha, P.S. Takhatpur, Tahsil- Takhatpur,
District- Bilaspur (C.G.).
3. Prakash Tiwari, S/o Gangaprashad Tiwari, Aged About 37 Years,
- R/o- Telipara, P.S. Civil Line, Bilaspur, Tahsil and District-
Bilaspur, Chhattisgarh. **---- Applicants**

• Versus

- State of Chhattisgarh, Through - S.H.O., Police Station Pandatrai, District- Kabirdham, District : Kawardha, Chhattisgarh.

---- Non-Applicant

For Applicants : Shri Ravindra Sharma, Advocate

For Non-Applicant/State : Shri Shreshtha Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

02.09.2021

- 1) Both the aforesaid bail applications filed under Section 439 of Cr.P.C. are being disposed of by this common order.

Applicants	Crime Nos. and Police Station	Offence under Sections	In jail since
Manmohan, Deepak Netam & Prakash Tiwari in MCRC No. 5699/2021	Crime No. 130/2021, Police Station- Pandatarai, District- Kabirdham (C.G.)	379/34 of IPC	26.06.2021
Manmohan, Deepak Netam & Prakash Tiwari in MCRC No. 5735 of 2021	Crime No. 128/2021, Police Station- Pandatarai, District- Kabirdham (C.G.)	379/34 of IPC	26.06.2021

- 2) Case of the prosecution, in brief, is that the in the night intervening 22-23.06.2021 the present applicants with intent to commit theft of standing Teak (*Sagon*) tree, entered the agriculture field of the complainant, they cut four numbers of Teak tree and fled away. In this way, the applicants caused economic loss around Rs. 60,000/- to the complainant. On report being lodged to the above effect the aforesaid offence has been registered against the unknown persons and during the

course of the investigation the present applicants were arrested by the police.

- 3) 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 the applicants have no criminal antecedents, there is no likelihood of the them tampering with the prosecution evidence or absconding. The applicants are in jail since 26.06.2021, 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.
- 4) On the other hand, learned counsel for the Non-applicant/State vehemently opposes the bail applications, however, he submits that applicants have no criminal antecedents.
- 5) 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, charge-sheet has already been filed, the detention period of the applicants, who are 21, 22 & 37 years old and the fact that the applicants have no criminal antecedents, 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.
- 6) 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:-
 - (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

Nadim