

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5772 of 2021

- Subhash Chandra Garg, S/o Dwarika Prasad Agrawal, Aged About 52 Years, Resident of Baikunthpur, Police Station Kotara Road, Raigarh , District- Raigarh, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station Kotara Road, District- Raigarh, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Hari Agrawal, Advocate

For Non-Applicant/State : Shri C. B. Kesharwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

16.09.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 26.07.2021 in connection with Crime No.212/2021, registered at Police Station- Kotara Road, District- Raigarh (C.G.) for the offence punishable under Sections 379/34, 201 of IPC.
- 2) Allegation against the applicant is that he stole one Truck Trailer vehicle bearing registration No. C.G. 04/JC- 7194 worth Rs. 10.30 lacs belonging to the complainant and dismantle the same. After lodging of the report, during investigation, the applicant was arrested and on his memorandum the parts of the vehicle were seized.
- 3) Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question. He further submits that stolen trailer has been seized, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 26.07.2021 and due to COVID-19 trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
- 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 applicant, the stolen article has already been seized by the police during investigation, the detention period of the applicant, who is 52 years old, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel and due to COVID-19 conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) 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 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, and
 - (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 Government/State Government/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

Nadim