

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5959 of 2021

1. Ajit Kumar Choudhary S/o Haridwar Choudhary, Aged About 44 Years, R/o Boir Dadar, Raigarh, Tehsil And District Raigarh (C.G).
2. Umesh Yadav S/o Dhruw Yadav, Aged About 26 Years, R/o Harsiddhi, District East Champaran, Bihar, Present R/o J.S.W. Naharpali, P.S. Bhupdevpur, District Raigarh (C.G.).

---- Applicants

Versus

1. State Of Chhattisgarh, Through Station House Officer Bhupdeopur, District Raigarh (C.G.).

---- Non-applicant

For Applicants	:	Mr. Rakesh Pandey, Advocate.
For Non-Applicant/State	:	Mr. Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

08/09/2021

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 24/07/2021 in connection with Crime No. 152/2021 registered at Police Station Bhupdeopur, District Raigarh (C.G.) for the offence punishable under Sections 379 & 34 of Indian Penal Code.
- 2) Case of the prosecution, in brief, is that on 24/07/2021 the complainant namely Amit Sirwarkar, Manager of JSW Ispat made a written complaint at Police Station Bhupdeopur that on 22/07/2021 at around 03:45 PM Truck bearing No. CG13 LA 1580 came inside the Plant to take DRI Mix Material but in the night at about 11:45 PM Harun Ansari, driver alongwith accused person Umesh Yadav, Security Guard and Ajit Kumar Choudhary, Supervisor got the Pig Iron loaded in place of Dry Iron and committed theft of Pig Iron 33470 Tons worth Rs. 12,71,860/- from JSW Ispat Special Products

Ltd., Naharpali, Bhupdeopur, District Raigarh (C.G.). On report being lodged to the above effect, the aforesaid offences have been registered against the applicants.

- 3) Learned counsel for the applicants submit that the applicants are innocent and have been falsely implicated in the case. The applicants were arrested on 24/07/2021. He submits that nothing has been seized from the present applicants. He also submits that applicants have no criminal antecedents, there is no apprehension of the applicants tampering with the evidence or absconding and conclusion of trial is likely to take some time for its disposal. Therefore, the applicants be released on bail by this Court.
- 4) On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicants have no criminal antecedents.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the nature of allegation against the present applicants, nothing has been seized from the present applicants, vehicle was seized from another person, in particular the detention period of the applicants, offence is triable by Magistrate and the fact that the applicants have no criminal antecedents and there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the Counsel and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. 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, 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 Govt./State Govt./Local Authority.
- v. 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 applicants involving themselves in similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant