

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6596 of 2021**

1. Mayank Yadav S/o Rajesh Yadav, Aged About 21 Years, R/o Bardebhatha, Kanker Tahsil Kanker, District North Bastar Kanker (C.G.).

---- Applicant**Versus**

1. State Of Chhattisgarh, Through Station House Officer, Police Station Kanker, District North Bastar Kanker (C.G.).

---- Non-Applicant

For Applicant	: Mr. Manoj Chauhan, Advocate.
For Non-Applicant/State	: Mr. Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****24/09/2021**

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 10/01/2021 in connection with Crime No. 8/2021 registered at Police Station Kanker, District North Bastar Kanker (C.G.) for the offence punishable under Sections 457 & 380 of Indian Penal Code.
- 2) Allegation against the present applicant is that on 27/12/2020 at night he entered the Mobile Shop of the complainant Anil Hirdani and committed theft of one Apple Mobile of Rs. 16,500/-, one Samsung Galaxy Tab of Rs. 5,000/-, one Oppo F-3 Mobile of Rs. 3,000/- and cash of Rs. 1,500/- total amounting **Rs. 26,000/-**. On report being lodged to the above effect, the aforesaid offence has been registered against the present applicant.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that charge sheet has been filed and the applicant is in jail since

10/01/2021. He submits that applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding and conclusion of trial is likely to take some time for its disposal. Therefore, the applicant be released on bail.

- 4) On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has 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 applicant, the detention period of the applicant who is 21 years old, charge sheet has already been filed, the offence is triable by Magistrate, the fact that the applicant is the young offender having no criminal antecedents and there is no apprehension of the applicant 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 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 the 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,
 - 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 Govt./State Govt./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**

Chandrakant