

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6082 of 2021

- Horilal Verma S/o Ramavatar Verma, aged about 20 years, R/o Village Piplakachhar, P.S. & Tehsil- Khairagarh, District Rajnandgaon (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through the Outpost- Dongargarh (correct Outpost is Mohara) P.S. Dongargarh, District Rajnandgaon (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Rakesh Pandey, Advocate
For Non-Applicant/State	:	Shri Chitendra Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

13.09.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 13.04.2021 in connection with Crime No. 80/2021 registered in Police Station- Outpost Dongargarh (correct Outpost is Mohara), P.S. Dongargarh, District Rajnandgaon (C.G.), for the offence punishable under Sections 379, 201, 34 of IPC.
2. Prosecution case, in brief, is that complainant Niten Verma lodged the F.I.R. alleging that on 29.01.2021 he had gone to his village alongwith his fiancée Tinu Verma to visit Karela Bhawani Temple by motorcycle. When they were talking to each and their bag was lying the seat of bike in which his mobile, his fiancée's mobile and Rs.800/- were kept, some unknown person committed theft of their mobiles and Rs.800/- from the bag. During investigation, the applicant was arrested and his memorandum statement was recorded.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 13.04.2021, charge-sheet has already been filed and due to Covid-19 pandemic, trial is likely to

take some time for its final 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 and submits that the applicant has no criminal antecedents.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the nature of allegation made against the applicant, the detention period of the applicant who is 20 years old, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels, charge-sheet has already been filed and due to Covid-19 pandemic, 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 applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- 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/her 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.
7. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge