

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6009 of 2021

- Prajjawal Kurrey, S/o Late Punit Ram Kurrey, Aged About 21 Years, R/o Kabir Nagar, Flat No. 644, Block 54 Tatibandh, Raipur, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station Aajad Chowk, District- Raipur, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri C.R. Sahu, Advocate

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

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

09.09.2021

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 24.07.2021 in connection with Crime No.61/2021 registered at Police Station- Ajad Chowk, District- Raipur (C.G.) for the offence punishable under Section 406 of IPC.
- 2) Case of the prosecution, in brief, is that the complainant who is running TBCK Services Pvt Ltd, providing cars on a rent. The applicant took one Maruti Brezza Car on a rent from the complainant for 30 days @ 50,000/- per month. The applicant executed an agreement, he submitted his Aadhar Card as well as Driving License and the Car was not returned by the applicant on scheduled date, i.e. on 02.03.2021. On report being lodged to the above effect that aforesaid offense has been registered against the applicant and during investigation, the present applicant alongwith co-accused persons were arrested by the

police.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the co-accused person Shubham Patnaik has already been granted anticipatory bail by the co-ordinate Bench of this Court vide order dated 28.07.2021 in MCRCA No. 787/2021. It is further submitted that said vehicle was seized by the police during investigation, there is no likelihood of the applicant tampering with the prosecution evidence or absconding. The applicant is in jail since 24.07.2021, charge-sheet has already been filed 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 of made against the present applicant, the fact that co-accused has already been granted anticipatory bail by the co-ordinate Bench of this Court, the vehicle in question was seized by the police, charge-sheet has already been filed, the detention period of the applicant, who is 21 years old and 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. 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 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