

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6169 of 2021**

- Akash Patre @ Monu @ Magar, S/o Shri Sanjeev Patre, aged about 21 Years, R/o Ajad Nagar, Takhatpur P.S. and Tahsil Takhatpur, District Bilaspur (C.G.).

----Applicant

Versus

- State of Chhattisgarh, Through- SHO Takhatpur, District Bilaspur (C.G.).

----Non-applicant

MCRC No. 6266 of 2021

- Rinku Dhruw @ Matru, S/o Laxmi Chand, aged about 24 Years, R/o Thakurpara, Ward No. 04, Takhatpur, Police Station Takhatpur, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through S.H.O., Police Station Takhatpur, District Bilaspur, Chhattisgarh.

----Non-applicant

For Applicants	Shri Dheerendra Pandey and Shri Rakesh Kumar Manikpuri, Advocates for the respective applicants.
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For State	Smt. Deepti Shukla, Panel Lawyer.
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Hon'ble Shri Justice Gautam Chourdiya **Order on Board****20/09/2021**

1. As both these first bail applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.276/2021 registered at Police Station Takhatpur, District Bilaspur, C.G. for the offence

punishable under Sections 457 & 380 of Indian Penal Code, they are being disposed of by this common order.

2. As per the prosecution case, in the intervening night of 10/11-07.2021 the applicants entered the house of complainant's father and committed theft of golden ornaments worth Rs.55,500/-, one moped worth Rs.8000/-, cash of Rs.25,000/- and other articles total amounting to Rs.88,500/-. On report being lodged to the above effect by the complainant- Sanat Kumar Sahu, offence under the aforesaid Sections have been registered against the present applicants.
3. Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in the case. They submit that there is no direct proof of applicants' involvement in the alleged crime. Applicants are in custody since 14.07.2021, charge sheet has already been filed and due to COVID-19 pandemic conclusion of the trial will take some time. Therefore, they may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail applications. She submits that applicant- Akash Patre has two criminal antecedents of the year 2021 bearing Crime No. 41/21 for the offence under Section 4A of the Gambling Act & Crime No. 127/2021 for the offence under Section 392 of Indian Penal Code and applicant-Rinku Dhruw @ Matru has two criminal antecedents of the year 2017 & 2019 bearing Crime No. 250/2017 for the offence under Sections 457 and 380 of Indian

Penal Code and Crime No.327/2019 for the offence under Sections 21, 22 & 34 of the NDPS Act respectively.

5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the nature of allegation against the present applicants, the detention period of the applicants, who are 21 & 24 years old, charge sheet has been filed and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by counsel for the parties and due to COVID-19 pandemic conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicants on bail. Accordingly, both the bail applications are 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 Government / State Government / 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 any offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh