

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6033 of 2021

1. Chandrakaran Singh S/o Mangaru Singh Rajput, Aged About 31 Years, R/o Village Sipav, Police Station City Kotwali, District Banaras (U.P.), At Present R/o Gevra Basti, Near Astha Medical Store, Police Station Kusmunda, District Korba (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Kusmunda, District Korba (C.G.).

---- Non-Applicant

For Applicant : Mr. Vijay Kumar Sahu, Advocate.
For Non-Applicant/State : Mr. Shrestha Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

09/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 14/07/2021 in connection with Istagasa No. 18/2021 registered at Police Station Kusmunda, District Korba (C.G.) for the offence punishable under Section 41(1-4) of Code of Criminal Procedure and under Section 379 of Indian Penal Code.
- 2) As per the prosecution case, on 14/07/2021 the applicant alongwith co-accused Dinu Giri @ Dinesh committed theft of diesel from Barpali Dumping Mines, they were apprehended by the Police and from the possession of the **applicant Chandrakaran Singh 70 Liters Diesel worth Rs. 6,300/-** & one Fan worth Rs. 2,000/- and co-accused Dinu Giri @ Dinesh 70 Liters Diesel worth Rs. 6,300/- i.e. total 140 Liters Diesel were seized.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the applicant is in jail since 14/07/2021. He submits that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding and trial is likely to take some time for its disposal. Due to COVID-19 Pandemic. 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 31 years old, the offence is triable by Magistrate, the fact that the applicant has 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