

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6929 of 2020

1. Kailash Das S/o Radhedas, Aged About 35 Years, R/o Village Anjoripali, P.S. And Tahsil Kharsiya And District Raigarh (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Out Post Chouki Kharsiya, P.S. Kharsiya, District Raigarh (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Manoj Kumar Jaiswal, Advocate.
For Non-Applicant/State	:	Ms. Ishwari Ghritlahare, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

01/03/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 10/07/2020 in connection with Crime No. 19/2020 registered at Out Post Chouki Kharsiya, P.S. Kharsiya, District Raigarh (C.G.) for the offence under Section 379 of IPC.
- 2) Allegation against the present applicant is he committed theft on 07/01/2020 of Submersible pump, wire and pump starter from the farm of complainant Narsingh Sidar.
- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant is in jail since 10/07/2020, and trial is likely to take some time for its disposal. Therefore, the present applicant be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. However, she submits that there are 2 criminal antecedents of the applicant bearing Crime No. 80/12

for offence under Sections 394, 302 & 360 of IPC and Istagasa No. 43/252/2011 for the offence under Section 151, 107 & 116(3) of Cr.P.C.

- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the allegation made against the applicant, the detention period of the applicant, and the fact that applicant has one criminal antecedent of the year 2018 for the offence under Sections 394, 302 & 360 of IPC and that the other criminal antecedents relates to preventive action only, there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, and the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant executing a personal bond for a sum of **Rs. 50,000/-** with **two** sureties of Rs. 25,000/- 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, 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 not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Court.

-Sd/-
(Gautam Chourdiya)
Judge