

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6076 of 2021

1. Nitesh Das Mahant S/o Padum Das Mahant, Aged About 20 Years, R/o Village Bokramuda, P.S. Chhal, Tahsil Dharamjaigarh, District Raigarh (C.G).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Police Station O.P. Jutmil (City Kotwali) Raigarh, District Raigarh (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Vineet Kumar Pandey, Advocate.
For Non-Applicant/State	:	Ms. Deepti Shukla, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

13/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 22/07/2021 in connection with Crime No. 1026/2021 registered at Out Post Jutmil, Police Station City Kotwali Raigarh, District Raigarh (C.G.) for the offence punishable under Section 392 of Indian Penal Code.
- 2) Allegation against the applicant is that on 19/07/2021 at 12:30 PM at village Darramuda, near Main Road Jute Mill Raigarh (C.G.) applicant threatened the complainant Taruna Sahu, committed robbery of her purse, in which there were Rs. 4,000/-, ATM card, Seal, Mobile of Samsung Company and other documents. On report being lodged to the above effect, the aforesaid offence has been registered against him.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant has been arrested on 22/07/2021. He submits that the charge sheet has already been filed, 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. Therefore, the applicant be released on bail.

- 4) On the other hand, learned counsel for the State opposes the bail application. However, she 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, the nature of allegation against the present applicant, the detention period of the applicant who is 20 years old, charge sheet has already been filed, 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