

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6198 of 2021

1. Sunil Kumar Dhruw S/o Rameshwar Dhruw, Aged About 22 Years,
2. Vijay Kol S/o Nandlal Kol, Aged About 30 Years,

Both are R/o Village Nawapara, Thana Ratanpur, Tehsil And District Bilaspur (C.G.).

---- Applicants

Versus

1. State Of Chhattisgarh, Through Station House Officer, P.S. Pateva, District Mahasamund (C.G.).

---- Non-applicant

For Applicants	:	Mr. Suresh Kumar Verma appears on behalf of Mr. Sanjay Patel, Advocate.
For Non-Applicant/State	:	Mr. Priyanshu Gupta, P.L.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

16/09/2021

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 25/05/2021 in connection with Crime No. 134/2021 registered at Police Station Pateva, District Mahasamund (C.G.) for the offence punishable under Sections 380, 454, 34 of Indian Penal Code.
- 2) As per the prosecution case, the applicants alongwith other co-accused persons have allegedly committed theft of electrical goods of worth **Rs. 7 Lakhs** belonging to the complainant Suresh Prasad Tyagi, a contractor with the Chhattisgarh State Power Distribution Company Limited.
- 3) Learned counsel for the applicants submit that the applicants are innocent and have been falsely implicated in the case by the complainant Suresh Prasad Tyagi. The ingredients necessary for

attracting the offence under Section 379, 380 of Indian Penal Code are missing in this case. He submits that the contents of FIR does not disclose that alleged crime has been committed by the applicants. He submits that co-accused Sagar Yadav, Lekhram Sahu and Horilal Dhruv have already been granted regular bail by the Co-ordinate Bench of this Court vide order dated 26/07/2021 passed in MCRC No. 3861/2021. The applicants were arrested on 25/05/2021. He further submits that as per the contents of the FIR, the complainant was not paying wages to the applicants who were working with him as labourers, therefore, they retained the alleged stolen goods to return the same after the wages are paid to them. He also submits that applicants have no criminal antecedents and there is no apprehension of the applicants tampering with the evidence or absconding, charge sheet has already been filed and conclusion of trial is likely to take some time for its disposal. Therefore, the applicants be also released on bail by this Court on ground of parity.

- 4) On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicants have 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 applicants, albeit the value of the stolen goods is Rs. 7 Lakhs, but considering the contents of the FIR, in particular the detention period of the applicants, offence is triable by JMFC and the fact that the applicants have no criminal antecedents and there is no apprehension of the applicants 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 **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 Govt./State Govt./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 similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant