

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4922 of 2021**

- Tomesh Kumar Sahu S/o Jagdish Sahu, aged about 20 years, R/o Khursenga, outpost Birejhar, Police Station Kurud, District - Dhamtari (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through : Outpost Birejhar, Police Station Kurud, District - Dhamtari (C.G.)

---- State/Non-Applicant

For Applicant- Tomesh Kumar Sahu :	Shri Anil Gulati, Advocate
For Non-Applicant/State :	Shri Priyanshu Gupta, Panel Lawyer

Alongwith**M.Cr.C. No. 6351 of 2021**

- Lursingh @ Aashish son of Prahlad Sahu aged about 34 years, resident of village Madeli, Chowki-Birejhar, Tahsil Kurud, District Dhamtari (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through: Station House Officer, Police Station Kurud, (Police Chowki Birejhar), Civil and Revenue, District Dhamtari (C.G.)

---- State/Non-Applicant

For Applicant- Lursingh @ Aashish :	Shri Rekhraj Baghel, Advocate
For Non-Applicant/State :	Shri Priyanshu Gupta, Panel Lawyer

And**M.Cr.C. No. 6371 of 2021**

- Devendra Kumar, aged 21 years, S/o Jhabbu Sahu, at – Village – Madeli, Chowki – Birejhar, District - Dhamtari (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh through SHO Chowki – Birejhar, PS Kurud, District - Dhamtari (C.G.)

---- State/Non-Applicant

For Applicant- Devendra Kumar :	Shri Lukesh Kumar Mishra, Advocate
For Non-Applicant/State :	Shri Priyanshu Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

07.09.2021

M.Cr.C. No. 4922 of 2021:

1. Shri Anil Gulati, learned counsel appearing on behalf of applicant – Tomesh Kumar Sahu, submits that this bail application i.e. M.Cr.C. No. 4922/2021 has wrongly been listed with the above two bail applications i.e. M.Cr.Cs. No. 6351/2021 & 6371/2021.
2. On 24.08.2021 Shri Lukesh Kumar Mishra, Advocate appeared in M.Cr.C. No. 6371/2021, and prayed for listing the M.Cr.C. No. 4922/2021 alongwith M.Cr.Cs. No. 6351/2021 & 6371/2021. Therefore, M.Cr.C. No. 4922/2021 is listed today.

M.Cr.C. No. 4922 of 2021 relates to POCSO Act. Hence, delink this bail application i.e. M.Cr.C. No. 4922/2021 from the bail applications i.e. M.Cr.Cs. No. 6351/2021 & 6371/2021. As per current roster, M.Cr.C. No. 4922/2021 is allotted to another bench. Registry is directed to obtain necessary order for listing of this case before appropriate bench.

3. Now this Court considers the bail applications i.e. M.Cr.Cs. No. 6351/2021 & 6371/2021 filed on behalf of applicants- Lursingh @ Aashish & Devendra Kumar.
4. Applicants - Lursingh @ Aashish & Devendra Kumar have preferred their respective first bail applications under Section 439 of Cr.P.C. as they are in jail since 21.06.2021 in connection with Crime No. 19/2021 registered in Police Station- Chowki – Birejhar, P.S. Kurud, District Dhamtari (CG) for the offence punishable under Section 380, 457, 34 of IPC.
5. Prosecution case in brief is that the complainant lodged a report at the concerned police station alleging that some unknown persons have committed theft of starter machine, 03 numbers of circuit & 25 feet cable wire amounting Rs.2,500/- from the room of his field. During investigation,

the police arrested the applicants and recorded their memorandum statements.

6. Shri Lukesh Kumar Mishra & Shri Rekhraj Baghel, learned counsel appearing for the respective applicants, submit that the applicants have been falsely implicated in the crime in question. They further submit that the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, they are in jail since 21.06.2021, charge-sheet has already been filed and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
7. On the other hand, learned counsel for the Non-Applicant/State opposes the bail applications and submits that the applicants have no criminal antecedents.
8. I have heard learned counsel for the parties.
9. Having regard to the facts and circumstances of the case, considering the detention period of the applicants who are 21 & 34 years old, the fact that the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels, charge-sheet has already been filed and due to covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the applications i.e. M.Cr.Cs. No. 6351/2021 & 6371/2021 are allowed.
10. It is directed that in the event of each of applicants (Lursingh @ Aashish & Devendra Kumar) executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail, on 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/her 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.

11. 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 nature of offence.

12. In the result, the bail applications i.e. M.Cr.Cs. No. 6351/2021 & 6371/2021 are allowed on the above terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge