

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6222 of 2021**

- Aakash Kumar Yadav, S/o Rajesh Kumar Yadav, aged about 20 Years, R/o Patharripada, Korba, P.S. Rampur, District Korba (C.G.).

----Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, P.S. Balouda, District Janjgir-Champa (C.G.).

----Non-applicant

For Applicant	Mr. C.B. Kesharwani, Advocate with Ms.Mandvi Bhardwaj, Advocate.
For State	Mr. Shreshtha Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

16/09/2021

1. Earlier the applicant had filed MCRC No.5060 of 2021 which was dismissed as withdrawn by this Court on 02.08.2021.
2. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.197/2021 registered at Police Station Balouda, District Janjgir-Champa, C.G. for the offence punishable under Sections 392 read with 34 of Indian Penal Code.
3. Allegation against the present applicant is that on 19.06.2021 he along with other co-accused persons looted Rs.800/- from Laxmi Narayan Bareth and one mobile from the complainant- Ravi Kumar Markam. On 21.06.2021, accused persons were arrested

from village Khisora and looted articles and offending vehicle were seized from them.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. It is submitted that applicant has not played any role in alleged offence. Applicant is languishing in jail since 21.06.2021, charge sheet has already been filed and due to COVID-19 pandemic conclusion of trial is likely to take some time. Therefore, applicant be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application. However, he submits that applicant has no criminal antecedents.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation made against the present applicant, the detention period of the applicant, who is 20 years old, charge sheet has been filed, the fact that the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicant on bail. Accordingly, the bail application is allowed. It is directed that in the event of 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, 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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / 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 any offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh