

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6153 of 2021**

- Umendra Shankar Yadav, S/o Pardesi Yadav, aged about 23 Years, Caste Yadav, R/o Choriya (Sarvani), P.S. Sargaon, District Janjgir-Champa (Chhattisgarh).

---Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station Sargaon, District Janjgir-Champa (Chhattisgarh).

---Non-applicant

For Applicant	Shri Vivek Kumar Shrivastava, Advocate.
For State	Shri Shreshta Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

15/09/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.96/2021 registered at Police Station Sargaon, District Janjgir-Champa, C.G. for the offence punishable under Sections 457 & 380 of Indian Penal Code.
2. As per the prosecution case, in the intervening night of 10/11-07.2021 the applicant entered the house of the complainant and committed theft of gold and silver ornaments and cash of Rs.20,000/- total amounting to Rs.1,50,000/-. On report being lodged to the above effect, offence under the aforesaid Sections have been registered against the present applicant.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that applicant has not played any role in alleged offence, applicant is in jail since 11.07.2021, charge sheet has already been filed and due to COVID 19-pandemic conclusion of trial is likely to take some time. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the nature of allegation against the applicant, the detention period of the applicant, who is 23 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