

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6154 of 2021

- Lochan Rajak, S/o Late Kishun Rajak, Aged About 25 Years, R/o Katiyapara, Juna Bilaspur, Police Station City Kotwali, District- Bilaspur, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- District Magistrate, Korba, District- Korba, Through- Station House Officer, Police of Police Station - Kusmunda, District – Korba, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Achyut Tiwari, Advocate

For Non-Applicant/State : Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

09.11.2021

Heard.

- 1) First bail application of the applicant Lochan Rajak was dismissed as withdrawn by this Court vide order dated 01.07.2021.
- 2) The applicant has preferred this Second Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 24.01.2021 in connection with Crime No. 20/2021, registered at Police Station- Kusmunda, District- Korba (C.G.) for the offence punishable under Sections 342, 392, 398, 411 of IPC.
- 3) The allegation against the present applicant is that in the night intervening 13-14 of January, 2021 he alongwith other co-accused persons looted truck bearing registration number CG12 AU 3680 driven by the complainant Firat Ram Yadav @ Dhannu on the point of knife, his mobile and cash of Rs. 300/- thereafter

sold the coal loaded in the said truck to one Ramakant Mourya for Rs. 62,000/-. During investigation accused persons were arrested and looted coal weighing 30 tons has been seized at the instance of the present applicants.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the main accused of this case sold the alleged coal to Ramakant Mourya Coal Depot, in which the applicant was working as Munshi and the coal was seized from the said depot. The applicant has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 24.01.2021, charge-sheet has already been filed and trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.
- 5) On the other hand, learned counsel for the Non-Applciant/State opposes the bail application and submits that the applicant has no criminal antecedents.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicant, charge-sheet has already been filed, stolen coal about 30 ton was recovered from the Ramakant Mourya Coal Depot, the detention period of the applicant, who is 25 years old, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 7) 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 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 similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim