

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6251 of 2021

- Dev Kumar Sahu, S/o Shri Panchram Sahu, aged about 22 years, R/o Village Bamhni, P.S. Chura, District Gariaband (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, through Police Station Fingeshwar, District Gariaband (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Pragalha Sharma, Advocate
For Non-Applicant/State	:	Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

16.09.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 05.08.2021 in connection with Crime No. 136/2020 registered in Police Station- Fingeshwar, District Gariaband (C.G.), for the offence punishable under Sections 411, 407, 414, 409, 420, 467, 471 read with Section 34 of IPC and Sections 3 & 7 of the Essential Commodities Act.
2. Allegation against the present applicant is that while working as salesman in the Government Fair Price Shop at Village Akalwara, he was involved in illegal sale/purchase of the food-grains reserved for distribution under the Public Distribution System to the beneficiaries.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, there is no likelihood of the applicant tampering with the prosecution evidence or absconding. He further submits that the applicant is in jail since 05.08.2021, charge-sheet has already been filed and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. He also submits that co-accused namely Gulshan Nishad and Nemu Ram Vishwakarma have already been granted regular bail by this

Court vide order dated 02.12.2020 passed in M.Cr.C. No. 8162 of 2020 and other similarly situated co-accused have already been granted regular bail namely Surabh Jain, Manish Tandon, Vedvyas Sahu, & Yashwant Dhruw @ Jitendra Dhruw vide order dated 08.10.2020 in M.Cr.C. No. 5992/2020, M.Cr.C. No. 5970/2020, M.Cr.C. No. 6130/2020 & M.Cr.C. No. 6272/2020 by the coordinate Bench of this Court. Therefore, the present applicant be released on bail by this Court.

4. On the other hand, learned counsel for the Non-Applicant/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 present applicant, the detention period of the applicant who is 22 years old, charge-sheet has already been filed, the fact that there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels, further that the similarly situated co-accused persons have already been granted regular by bail by this Court and the coordinate Bench of this Court and due to Covid-19 pandemic, 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 applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- 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/her 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.
8. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

vatti