

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6190 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	:	Shri Rekhraj Baghel, Advocate
For Non-Applicant/State	:	Shri Rahim Ubwani, Panel Lawyer

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

15.09.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 21.06.2021 in connection with Crime No. 200/2021 registered in Police Station- Kurud (Police Chowki Birejhar), Civil and Revenue District Dhamtari (C.G.), for the offence punishable under Sections 457, 380, 34 of IPC.
2. Allegation against the present applicant is that in the second and third week of December 2020 at about 8-9 PM and in the month of January 2021 he alongwith other co-accused Praveen Prasad Sharma, Ashish Sahu, Gajendra @ Bittu and Devendra Sahu entered the Pump House of the complainant Paresh Kumar Sahu by breaking open the lock of the Pump House and committed theft of Battery & Inverter of Livfast Company, Auto Machine, Starter, Cable Wire, Circuit, PTZ Camera & Jio Wifi total amounting to Rs.24,000/-. On report being lodged to the above effect, the aforesaid offence has been registered against the accused persons.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the

prosecution evidence or absconding. He further submits that the applicant is 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. He also submits that co-accused namely Praveen Prasad Sharma has already been granted regular bail by this Court vide order dated 19.08.2021 passed in M.Cr.C. No. 5611 of 2021. Therefore, the applicant be released on bail by this Court.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedents.
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 34 years old, charge-sheet has already been filed, the offence is triable by Magistrate, 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 counsels, further that the co-accused has already been granted regular by bail by 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.1,00,000/- with two sureties of Rs.50,000/- 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

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