

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6269 of 2021

1. Irfan Raza @ Aakib Mohammad S/o Shri Mohammad Rafeek, Aged About 19 Years, Resident Of Sanjay Nagar Kanker, Police Station Kanker, District North Baster Kanker (C.G).
2. Ankit Sahu S/o Shri Deepak Sahu, Aged About 19 Years, Resident Of Subhash Ward Kanker, Police Station Kanker, District North Baster Kanker (C.G.).

---- Applicants

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Kanker, District North Baster Kanker (C.G.).

---- Non-applicant

For Applicants	:	Mr. Sandeep Yadav, Advocate.
For Non-Applicant/State	:	Mr. C.B. Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

20/09/2021

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 02/04/2021 in connection with Crime No. 96/2021 registered at Police Station Kanker, District North Baster Kanker (C.G.) for the offence punishable under Section 457, 380 & 34 of Indian Penal Code.
- 2) Allegation against the present applicants is that in the night intervening 31/03/2021 and 01/04/2021 they alongwith other co-accused persons entered the General Stores & Daily Needs Shop of the complainant Suresh Kumar Jain by breaking open the lock of the shop and committed theft of Rs. 15,000/- cash, cigarettes of Rs. 7,000/-, Cold Drinks of Rs. 80/-, Pan Parag of Rs. 1,500/-, R.M.D. of Rs. 1,750/-, Rajnigandha of Rs. 1,960, Dairymilk of Rs. 1280/- Perfumes of Rs. 2640/- and Camera of

Rs. 22,000/- total amounting to **Rs. 38,000/-**.

- 3) Learned counsel for the applicants submit that the applicants are innocent and have been falsely implicated in the case. The applicants were arrested on 02/04/2021. He submits that charge sheet has already been filed. He also submits that applicants have no criminal antecedents, no apprehension of the applicants tampering with the evidence or absconding and conclusion of trial is likely to take some time for its disposal. Therefore, the applicants be released on bail by this Court.
- 4) On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicants have 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 applicants, in particular the detention period of the applicants, charge sheet has already been filed, offence is triable by Magistrate and the fact that the applicants have no criminal antecedents and there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the Counsel and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. It is directed that in the event of **each** of the applicants 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, they shall be released on bail on the following conditions:-
 - i. they 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. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. they shall appear before the trial Court on each and every

date given to them by the said Court till disposal of the trial.

- iv. they shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority.
- v. they shall not involve themselves 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 applicants involving themselves in similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant