

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6547 of 2021

1. Saroj, son of late Bhagwati Prasad Joshi, aged about 41 years,
2. Manoj son of late Ramcharan, aged about 31 years,

Both are resident of village Potiya, P.S. Nandininagar, Tahsil Dhamdha, District Durg (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station New Patan, District Durg (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri A.D. Kuldeep, Advocate
For Non-Applicant/State	:	Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

23.09.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 18.06.2021 in connection with Crime No. 46/2021 registered in Police Station- Patan, District Durg (C.G.), for the offence punishable under Section 380/34 of IPC.
2. Prosecution case, in brief, is that on 23.03.2021 complainant Sanjay Sahu made a complaint to the concerned police station that he is working in the Brick-kiln at Thakuraintola as a Munshi and the present applicants came to work in brick-kiln prior to 1½ months. On 20.03.2021 the complainant was doing repair work in the office, at that time, the applicants were present there and after some time the applicants went away from there. Thereafter, the complainant found that one torch, calculator kept on table and Rs.15,600/- kept in drawer in the office are missing. On the basis of complaint made by the complainant, offence was registered against the unknown person. During investigation, the applicants were arrested and their memorandum statements were recorded by the police.
3. Learned counsel for the applicants submits that the applicants have been

falsely implicated in the crime in question, the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, they are in jail since 18.06.2021, charge-sheet has already been filed and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicants 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 applicants have no criminal antecedents.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the nature of allegation made against the applicants, the detention period of the applicants who are 31 & 41 years old, the fact that the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels, charge-sheet has already been filed 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.
6. It is directed that in the event of each of the applicants 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, they shall be released on bail, on 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/her 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 Government / State Government / Local Authority.

v. they shall not involve themselves in any offence of similar nature in future.

7. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

vatti