

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6454 of 2021

1. Avilash Porte, aged about 28 years, Son of Lachchu Porte, R/o. Village Khamhariya, P.S. Neora-Tilda, District Raipur (C.G.)
2. Akash Netam, aged about 22 years, Son of Late Shankar Netam, R/o. Village Khaparikala, P.S. Neora-Tilda, District Raipur (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through: The Station House Officer, Police Station Kusmunda, District Korba (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Vijay Kumar Sahu, Advocate
For Non-Applicant/State	:	Shri Anand Verma, Deputy Government Advocate

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

22.09.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 25.07.2021 in connection with Crime No. 326/2021 registered in Police Station- Kusmunda, District Korba (C.G.), for the offence punishable under Section 420/34 of IPC.
2. Prosecution case in brief is that complainant Bekedik Tirki lodged a report before the concerned police station alleging that on 23.07.2021 two unknown persons came to his house by motorcycle and claiming themselves to be Aurvedic Doctors, capable of curing the disease of Sugar, B.P. and other disease through ayurvedic medicines, took cash amount of Rs.60,000/- and Rs.2,000/- through Google Pay. Thereafter, they went away from there by their motorcycle and told the complainant that they would come tomorrow, but they never returned. 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 25.07.2021, 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 detention period of the applicant who are 22 & 28 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 bail 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.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 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