

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7343 of 2020**

- Kohinoor S/o Premlal, aged about 25 years, R/o Transport Nagar, Khamtarai, P. S. Khamtarai, Tahsil and District- Raipur (C.G.).

---- Applicant**Versus**

- State Of Chhattisgarh Through: the Station House Officer, P.S. Khamtarai, District- Raipur (C.G.).

---- Respondent

For Applicant	: Shri C. P. Lahre, Advocate
For Respondent/State	: Dr. (Ms.) Veena Nair, Dy. A. G.

Hon'ble Justice Shri Gautam Chourdiya**Order on Board****08/01/2021**

- 1) Heard
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 20.02.2020 in connection with Crime No. 78/2020 registered at Police Station Khamtari, District- Raipur (C.G.) for the offence punishable under Sections 457, 380 read with Section 34 of Indian Penal Code.
- 3) The prosecution story in brief is that the complainant lodged FIR against the unknown person that on 13.02.2020 when he had gone to Hyderabad he received a phone-call from his neighbor that door of his home is open, after this information, he came back and saw the door of his house was open and ornaments which were kept in the almirah and cash of Rs. 99,000/- i.e. in total valuing Rs. 5,64,000/- were missing. During investigation the present applicant alongwith other co-accused has been arrested and the stolen articles were seized from them.
- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He also

submits that the applicant is aged about 25 years, the charge sheet has been filed, the applicant is in jail since 20.02.2020 and trial is likely to take some time for its final disposal. He also submits that similarly situated co-accused- Bheema Telasi has already been granted bail by the coordinate bench of this Court vide order dated 04.08.2020 passed in M.Cr.C. No. 3247/2020. Therefore, the applicant be released on bail by this Court.

- 5) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, charge-sheet has been filed, the fact that the present applicant is in jail since 20.02.2020, and trial is likely to take some time for its final disposal, the fact that the applicant has no criminal antecedent as admitted by both the counsels and that the similarly situated co-accused has been granted bail by the coordinate bench of this Court, without commenting upon merits of the case the application is allowed. It is directed that in the event of the 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 the 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 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 not involve himself in any offence of similar nature in future.

Certified copy as per rules

Sd/-
(Gautam Chourdiya)
Judge