

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6873 of 2021

1. Farjan Khan S/o Masud Khan, Aged About 22 Years, R/o House No. 12, Arjun Nagar, Abdulla Gunj, District Raisen (M. P.).
2. Moh. Jony Ali S/o Rahmat Ali, Aged About 26 Years, R/o Char Darwaja Saiyad Colony, Jaipur (Rajasthan).

---- Applicants

Versus

1. State Of Chhattisgarh, Through P.S. Somni, District Rajnandgaon (C.G.).

---- Non-applicant

For Applicants	:	Mr. Rakesh Kumar Thakur, Advocate.
For Non-Applicant/State	:	Mr. Shrestha Gupta, P.L.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

27/10/2021

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 20/06/2021 in connection with Crime No. 81/2021 registered at Police Station Somni, District Rajnandgaon (C.G.) for the offence punishable under Sections 454, 380/34 of Indian Penal Code.
- 2) Allegation against the present applicants is that they alongwith other co-accused committed house trespass in the house of the complainant and stole the gold and silver ornaments as well as cash of Rs. 40,000/- from his house. During investigation, the accused persons were arrested and in their memorandum statements they admitted commission of the offence.
- 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 20/06/2021. He also submits that charge sheet has already been filed, the applicants have no

criminal antecedents and there is 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 unable to explain regarding criminal antecedents of the applicants.
- 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 who are 22 & 26 years old, offence is triable by Magistrate, the applicants have no criminal antecedents as admitted by counsel for the applicants and there is also no mention about the same in the impugned order and that 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, 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