

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6841 of 2021

1. Khilesh Dewangan S/o Shri Chandra Sekhar Dewangan, Aged About 22 Years, R/o Village And Post In front Of Electricity Office, Paragaon, Police Station Gobra Navapara, Tahsil Abhanpur, District Raipur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Aarachhi Kendra, New Rajendra Nagar, District Raipur (C.G.).

---- Non-Applicant

For Applicant	: Ms. Ranjana Jaiswal, Advocate.
For Non-Applicant/State	: Mr. Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

01/10/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 15/05/2021 in connection with Crime No. 45/2020 registered at Police Station New Rajendra Nagar, District Raipur (C.G.) for the offence punishable under Section 379/34 of Indian Penal Code.
- 2) As per the prosecution case, complainant Mahesh Kumar Verma lodged a report to the effect that on 25/01/2020 one vehicle Jupiter bearing Registration No. CG04 HT 6053 was given for servicing and after servicing of the vehicle he had parked the same at the Service Center. After some time one unknown person came there and saying that he has come to take vehicle, paid him Rs. 400/- and took away the said vehicle. During investigation, on the memorandum of co-accused Ankush Gupta @ Priyanshu it revealed that he committed theft of the said vehicle with the present applicant. The aforesaid vehicle has

been seized from the possession of the applicant and offence under Section 379/34 of Indian Penal Code is registered against the accused persons.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. She submits that charge sheet has been filed and the applicant is in jail since 15/05/2021. She submits that there is no apprehension of the applicant tampering with the evidence or absconding and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail.
- 4) On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has **02** criminal antecedents i.e. Crime No. 01/2021 for the offence under Section 41(1+4) of Code of Criminal Procedure/379, 34 of the Indian Penal Code registered at Police Station Gobra Navapara, District Raipur (C.G.) and Crime No. 06/2021 for the offence under Section 379/34 of Indian Penal Code, registered at Police Station City Kotwali Raipur, District Raipur (C.G).
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the nature of allegation against the present applicant, the detention period of the applicant who is 22 years old, charge sheet has already been filed, the offence is triable by Magistrate, the fact that there is no apprehension of the applicant 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 the applicant 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, 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,
- 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 strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
- v. he shall not involve himself 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 applicant involving himself in similar offence in future.

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

Chandrakant