

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7260 of 2021

- Anubhav Yadav, S/o Krishna Yadav, Aged About 19 Years, R/o Ward No. 05, Azad Chowk, Chhuikhadan, Tahsil Chhuikhadan, District- Rajnandgaon, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station Chhuikhadan, District- Rajnandgaon, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Pramod Ramteke, Advocate

For Non-Applicant/State : Shri K. K. Singh, G.A.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

30.09.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 06.02.2021 in connection with Crime No. 317/2020, registered at Police Station- Chhuikhadan, District- Rajnandgaon (C.G.) for the offence punishable under Section 461 of IPC.
- 2) Case of the prosecution, in brief, is that the complainant namely Pramod Mahobia lodged report in the police station on 18.12.2020 to the effect that in the night intervening 17-18.12.2020 the applicant alongwith co-accused persons broke open the lock of shop of complainant alongwith other shop & hotels etc and committed theft. During investigation, on the basis of CCTV footage installed in the shops of complainant party, the present applicant with co-accused were seen committing the aforesaid offence and they admitted the same in their memorandum statements.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the present applicant and the co-accused person namely Shubham Chandrakar have already been granted bail vide order dated 26.08.2021 passed by this Court in MCRC No. 3489/2021, MCRC No. 3491/2021 & MCRC Nos. 4802/2021, 4817/2021, 4832/2021 & 5003/2021 in Crime Nos. 36/2021, 01/2021, 199/2020 & 317/2020 registered at Police Station Chhuikhadan, District- Rajanandgaon (C.G.). Charge-sheet has already been filed, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 06.02.2021 and trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicant, the fact that charge-sheet has already been filed & the present applicant alongwith co-accused have already been granted bail by this Court in another Crime number, the detention period of the applicant, who is 19 years old and the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel and 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 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 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 strictly follow the COVID-19 protocol issued by the Central Government/State Government/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

Nadim