

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6823 of 2021

Akash Dutta, S/o Late Uttam Dutta, Aged About 20 Years, R/o Mahatma Gandhi Ward Kondagaon, P.S. Kondagaon, District-Kondagaon, Chhattisgarh. **---- Applicant**

Versus

State of Chhattisgarh, Through- The Police Station Kondagaon District-Kondagaon, Chhattisgarh. **---- Non-Applicant**

MCRC No. 7967 of 2021

- Akash Dutta, S/o Late Uttam Dutta, Aged About 20 Years, R/o Mahatma Gandhi Ward Kondagaon, P.S. Kondagaon, District-Kondagaon, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- The Police Station Kondagaon District-Kondagaon, Chhattisgarh. **---- Non-Applicant**

For Applicant : Shri Pravin Kumar Tulsyan, Advocate

For Non-Applicant/State : Smt. Deepti Shukla, P. L.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

26.10.2021

Heard.

- 1) The applicant has preferred these First Bail Applications under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 16.06.2021 in connection with Crime No.199/2021 & Ishatgasga No.01/2021 registered at Police Station- Kondagaon, District- Kondagaon (C.G.) for the offence punishable under Section 379 of IPC & 41 (1-D) of CrPC.
- 2) Allegation against the applicant is that he alongwith one juvenile in conflict with law stole number of motorcycles in Kondagaon. Upon secret information, all the accused were arrested &

memorandum statements were also recorded where they admitted that they were involved in commission of theft of various motorcycles in Kondagaon and they are active for the two years.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant is young offender and 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 16.06.2021 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 and submits that the applicant has two criminal antecedents bearing crime no. 197/2021 & 199/2021 registered u/s 379 of IPC and 7 Ishtagasha have also been registered.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicant, who is 20 years old, charge-sheet has already been filed, 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 are 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