

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No. 6999 of 2021**

- Umesh Kumar Sonwani, S/o. Lalaram Sonwani, aged about 26 years, R/o. Village Fulwari, P.S. Komakhan, Tehsil Bagbahra, District Mahasamund (C.G.)

---- Applicant

**Versus**

- State of Chhattisgarh, through Police Station Komakhan, District Mahasamund (C.G.)

---- State/Non-Applicant

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| For Applicant           | : | Shri Shubhank Tiwari, Advocate  |
| For Non-Applicant/State | : | Shri Rahim Ubwani, Panel Lawyer |

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**Hon'ble Shri Justice Gautam Chourdiya, J**

**Order on Board**

**28.10.2021**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 28.08.2021 in connection with Crime No. 139/2021 registered in Police Station Komakhan, District Mahasamund (C.G.), for the offence punishable under Sections 380 & 457 of IPC.
2. Prosecution case in brief is that complainant Dhanesh Yadav lodged a report at the concerned police station alleging that some unknown person has committed theft of utensils, mobile-phone and cash from his house. During investigation, the stolen articles were seized from the present applicant and arrested him by the police in the said crime.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 28.08.2021 and trial is likely to take some time for its final 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 one criminal antecedents of the year 2014.

5. I have heard learned counsel for the parties.
6. Having regard to the facts and circumstances of the case, considering the detention period of the applicant who is 26 years old, the fact that there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, without commenting anything on merits of the case, the bail application is allowed.
7. It is directed that in the event of applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- 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/her 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.
8. 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 nature of offence.

Sd/-

**(Gautam Chourdiya)**  
Judge