

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6505 of 2021

1. Deepak Kumar Shandilya, S/o Bisanlal Shandilya, Aged About 24 Years,
2. Devendra Kumar, S/o Bisanslal Shandilya, Aged About 22 Years, R/o Village - Madai, Post- Madai, Police Station and Tahsil- Birsa, District- Balaghat (Madhya Pradesh). ---- **Applicants**

Versus

- State of Chhattisgarh, Through - Station House Officer, Police Station - Salhewara, District- Rajnandgaon (Chhattisgarh).

---- **Non-Applicant**

MCRC No. 7649 of 2021

- Anurag Shandilya, S/o Tarachandra Shandilya, Aged About 18 Years, By Caste Teli, R/o Ward No. 13, I T I Marg Balaghat, Tahsil and Police Station Balaghat (M.P.). ---- **Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station Salhewara, District- Rajnandgaon, Chhattisgarh. ---- **Respondent**

For Applicants : Shri Abhishek Sharma, Advocate

For Non-Applicant/State : Shri Rahim Ubwani, P. L.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

27.10.2021

Heard.

- 1) The applicants have preferred these Bail Applications under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 05.08.2021 & 08.09.2021 in connection with Crime No.23/2021 registered at Police Station- Salhewara, District- Rajnandgaon (C.G.) for the offence punishable under Sections 457, 380 of IPC.

- 2) Allegation against the applicants is that they committed theft of one chest containing Rs. 6 lacs on 02.08.2021 between 12 to 2 am. Matter was reported in the police station and during investigation the applicants were arrested and from applicants Dipak & Devendra Rs. 4,24,000/-, motorcycle used at the time of incident & stolen Chest were recorded.
- 3) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submits that from them stolen articles were recovered, complainant Ghanshyam Sharma has appeared before this Court and raised no objection to release of the applicants, there is no likelihood of the applicants tampering with the prosecution evidence or absconding. The applicants are in jail since 05.08.2021 & 08.09.2021 and trial is likely to take some time for disposal. Therefore, the applicants be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-applicant/State opposes the bail applications.
- 5) Complainant Ghanshyam Sharma has appeared before this Court and he raised no objection to release of the applicants on bail.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegations made against the applicants, the fact that complainant Ghanshyam Sharma appeared before this Court and he raised no objection to release of the applicants on bail, the detention period of the applicants, who are 18, 22 & 24 years old, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, the applications are allowed.
- 7) 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:-

- (a) 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,
- (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,
- (d) they shall not involve themselves in any offence of similar nature in future,
- (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

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

Nadim