

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 8882 of 2020

- Pourush Joshi, S/o Shri Kamal Joshi, aged about 24 years, R/o Kota, Raipur, District Raipur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through District Magistrate, Durg, District Durg (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Pragalbh Sharma, Advocate
For Non-Applicant/State	:	Shri Dinesh Kumar Tiwari, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

08.01.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 02.11.2020 in connection with Crime No. 246/2020 registered in Police Station- Newai, Durg, District Durg (CG) for the offence punishable under Sections 420, 406 & 419 of IPC.
2. Allegation against the present applicant is that he had taken one DSLR Camera, Model No. CANON EOC 200D MII 1855STM (Serial No. 078270005270/8022037359), amounting to Rs.45,000/- on rent from complainant and did not return to the complainant. Further allegation as per case diary is that even previously the applicant had taken Camera by showing fake Aadhaar Card and did not return the same.
3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He submits that the applicant is in jail since 02.11.2020 and conclusion of the trial is likely to take some time, therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail

application.

5. Considering the facts and circumstances of the case, in particular the fact that the applicant is in jail since 02.11.2020, the offence is triable by Magistrate and conclusion of the trial is likely to take some time, without expressing any opinion on merits of the case, the application is allowed.
6. It is directed that in the event of applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- 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, 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-
(Gautam Chourdiya)
Judge