

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8819 of 2020

1. Sampat Giri S/o Lakhan Giri, Aged About 26 Years,
2. Karmu Giri S/o Kirti Giri, Aged About 50 Years,
3. Buchand Giri S/o Badeshwar Giri, Aged About 37 Years,
4. Smt. Giri W/o Buchand Giri, Aged About 21 Years,
5. Sumitra Bai W/o Karmu Giri Aged About 48 Years,

All by Caste – Goswami, R/o Village Bisanpur Babapara, Police Station Sitapur, District Surguja, Chhattisgarh

----Applicants

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Pali, District Korba (C.G.).

---- Non-Applicant

For Applicants	: Mr. Dharmesh Shrivastava, Advocate.
For Non-Applicant/State	: Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order On Board

12/03/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicants for grant of bail as they are in custody since 15/08/2020 in connection with Crime No. 134/2017 registered at Police Station Pali, District Korba (C.G.) for the offence under Sections 420, 411, 34 of IPC.
- 2) Case of the prosecution, in brief, is that on 20/07/2017 the applicants came to the house of the complainant and stated that they are going to Chaiturgarh for Darshan but it being dark and its raining they need shelter. On this the complainant provided shelter in her house to the applicants. On the next day i.e. 21/07/2017 the applicants told the complainant that somebody

has played black magic on their house and for exorcising the evil spirit, the applicants need all their jewelery, on which the complainant and other family member gave them all their jewelleries worth Rs. 54,500/- and cash of Rs. 10,000/-. However, the applicants on the pretext of performing certain rituals fled away with the aforesaid jewelery and cash.

- 3) Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case. He submits that the applicants are in jail since 08/09/2020, charge sheet has been filed, and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.
- 4) On the other hand, learned counsel for the State opposes the bail application. He submits that there are no criminal antecedents against the accused persons.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the nature of allegation leveled against the applicants, the age of the applicants as well as their detention period, charge sheet has already been filed, nothing is required to be seized from the applicants and the fact that there are no criminal antecedents against the accused persons and there is no apprehension of their absconding or tampering with the evidence as admitted by the counsel for the parties and the trial is likely to take some time for disposal, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the application is **allowed**. It is directed that in the event of **each** of the applicants 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, they shall be released on bail on the following conditions:-
 - i. 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,

- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- iv. they shall not involve themselves in any offence of similar nature in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant