

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8963 of 2020

- Manoj Yadav, S/o Shri Sukalu Yadav, Aged About 35 Years R/o Village - Amlidiha, Police Station - Bhakhara, District - Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Officer Incharge Of Police Station - Bhakhara, District - Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

--Non-Applicant

For Applicant	: Shri Malay Jain, Advocate
For Non-Applicant/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

15.02.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 1.10.2020 in connection with Crime No.105/2020, registered at Police Station- Bhakhara, District-Dhamtari(C.G.) for the offence punishable under Sections 457, 380 of the IPC.
2. Case of the prosecution is that in the night of 27.9.2020, the applicant trespassed the premises of Amlidiha Panchayat Bhawan and committed theft of WiFi devises, solar panel and pipes, Bharat net optical fiber, 100 meters core-core optical fiber total worth Rs.1,50,000/-. During investigation, on the memorandum of the applicant, the articles were seized from his possession and he was taken into custody.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated and he has been falsely implicated in the case. He submits that charge sheet has been filed and no offence is made out against the applicant, therefore, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail. However, he submits that there is no criminal antecedent against the applicant.
5. Having considered the submissions made by learned counsel for the parties, charge sheet has been filed and as submitted by both the counsel there is no criminal antecedent against the applicant; the detention period and conclusion of trial is likely to take some time, without commenting on merits, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is allowed.
7. It is directed that in the event of the 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:-
 - (a) 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.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (d) he shall not involve himself in any offence of similar nature in future.

Sd/
(Gautam Chourdiya)
Judge