

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 9020 of 2020

- Rakesh Dhimar, son of Menghnath Dhimar, aged about 19 years, resident of Goura Choura, behind Dewangan Kirana Shop, Madoda, P.S. Newai, Tahsil and District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through: Station House Officer, Police Station Newai, Civil and Revenue District Durg (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Pushpendra Kumar Patel, Advocate
For Non-Applicant/State	:	Shri Sudhir Sahu, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

18.01.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 21.10.2020 in connection with Crime No. 302/2020 registered in Police Station- Newai, District Durg (CG) for the offence punishable under Sections 457, 380 read with Section 34 of IPC.
2. As per prosecution story, the complainant lodged a report at the police station that some unknown person has committed theft of golden & silver ornaments from his house amounting to Rs.30,000/-. During investigation, the applicant was arrested and on his memorandum, he admitted that he committed the said crime alongwith co-accused persons.
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 also submits that the applicant is in jail since 21.10.2020 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, the fact that the applicant is 19 years of age, he is the first offender, he has no criminal antecedents as admitted by both the counsel and he is in jail since 21.10.2020, conclusion of the trial is likely to take some time, without expressing any opinion on merits of the case, the bail 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