

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8879 of 2020**

- Kumbhaj @ Butti Sahu son of Bhaggu Sahu, aged about 30 years, resident of Shanti Nagar, Police Station Sirgitti, Tahsil and District- Bilaspur (C.G.).

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Station Sirgitti, Civil and Revenue District- Bilaspur (C.G.)

---- Respondent

For Applicant	: Shri C. K. Sahu, Advocate
For Respondent/State	: Shri Dinesh Tiwari, Dy. G. A.

Hon'ble Justice Shri Gautam Chourdiya**Order on Board****07/01/2021**

- 1) Heard
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 09.11.2020 in connection with Crime No. 516/2020 registered at Police Station Sirgitti, District- Bilaspur (C.G.) for the offence punishable under Sections 380, 457 of Indian Penal Code.
- 3) Case of the prosecution in brief is that on 08.11.2020 Complainant- Ajay Kumar Kashyap was sleeping in his house. At about 1.30 pm in the night he heard the commotion "Chor- Chor" on which he woke-up and found his house hold articles scattered, the black purse containing Aadhar-Card of his brother-in-law and cash of Rs. 540/- is missing. When he came out of his house he saw that the neighbors had caught hold of the present applicant and on his personal search, the said Aadhar-Card and cash of Rs. 540/- was recovered from him. On report being lodged by the complainant on 08.11.2020, the aforesaid offence is registered against the applicant.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He also submits that the police has registered the offence against the unknown person but arrested the present applicant only on the basis of suspicion, whereas there is no any offence committed by him. It is also submitted that the charge sheet has been filed and the applicant is in jail since 09.11.2020. He further submits that trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of offence, charge-sheet has been filed, the fact that the present applicant is jail since 9.11.2020 and trial is likely to take some time for its final disposal, without commenting upon merits of the case the application is allowed. 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 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.

Certified copy as per rules

Sd/-

(Gautam Chourdiya)
Judge

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