

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9391 of 2020

1. Manish Shriwas S/o Deenanath, Aged About 35 Years, R/o Ward No. 11, Kodapara, Baramkela, P.S. And Tahsil Baramkela, District Raigarh (C.G.).

---- Applicant

Versus

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

---- Non-Applicant

For Applicant	: Mr. Raghavendra Pardhan, Advocate.
For Non-Applicant/State	: Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

16/02/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 13/10/2019 in connection with Crime No. 486/2019 registered at Police Station Sarangarh, District Raigarh (C.G.) for the offence under Sections 457, 380, 34 of IPC.
- 2) Case of the prosecution, in brief is that complainant Ajay Kumar Patel lodged a report that in the intervening night of 12th and 13th October 2019 some unknown persons entered his house under construction and committed theft of one motorcycle worth Rs. 35,000/- and two Mobile of Samsung company worth Rs. 15,000/-. During investigation the applicant was found to have committed the above theft and in his memorandum he admitted commission of the aforesaid offence. On report being lodged to the above effect, offence has been registered against the applicant.
- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He further submits that the applicant is in jail since 13/10/2019, charge

sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, the present applicant be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicant, the age of the applicant i.e. 35 years, there is only 1 criminal antecedent i.e. crime No. 520/2019, the fact that charge sheet has already been filed and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, the offence is triable by Judicial Magistrate First Class, and the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Court.

-Sd/-
(Gautam Chourdiya)
Judge