

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 9030 of 2020

- Guddu Gond S/o Mahra @ Goti, aged about 40 years, R/o Village Ward No. 09, Kobiya- Bemetara, P.S. Tahsil and District Bemetara (C.G.)

---- Applicant

Versus

- State of Chhattisgarh through Station House Officer, Police Station Saja, District Bemetara (C.G.)

---- State/Non-applicant

For Applicant : Shri Suresh Kumar Verma, Advocate

For Non-Applicant/State : Smt. Shubha Shrivastava, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

13.01.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 15.10.2020 in connection with Crime No. 189/2020 registered in Police Station- Saja, District Bemetara (CG) for the offence punishable under Section 379 of IPC.
2. As per prosecution case, on 28.07.2020 the complainant lodged a report in Police Station Saja that in the market, unknown person has committed theft of his Samsung mobile amounting to Rs.8,000/-. Allegation against the present applicant is that during investigation, the said mobile of the complainant was seized from the possession of the applicant on 15.10.2020.
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 submits that the applicant is in jail since 15.10.2020 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 has no criminal antecedents as admitted by both the counsel, he is in jail since 15.10.2020, offence is triable by Magistrate and 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