

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9172 of 2020

- Vijay Sharma S/o Late Shiv Nayak Sharma Aged About 39 Years R/o Santoshi Nagar Raipur, Tahsil And District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Purani Basti Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

--Non-Applicant

For Applicant	: Shri Tarun Dansena, Advocate
For Non-Applicant/State	: Shri Ajay Kumrani, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

01/03/2021

1. The applicant has preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 2.10.2020 in connection with Crime No.275/2020, registered at Police Station- Purani Basti, Raipur, District -Raipur (CG) for the offence punishable under Sections 380, 457 of the IPC.
2. Case of the prosecution is that the complainant has lodged a report that on 26.9.2020 in the evening he had gone to village Sarona from Raipur and when he returned on 27.9.2020, he found that the lock of door was broken and somebody has committed theft of silver and gold ornaments of Rs.25,000/- and cash of Rs.15,00,000/- from the Almirah. A report was lodged and on the memorandum of the applicant he was arrested.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question and he has not committed any offence. He submits that there is no evidence against the applicant and the report was lodged against unknown

person. He submits that the applicant is in jail since 2.10.2020 and conclusion of trial is likely to take some time, therefore, the applicant may be released on bail by this Court.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application. However, he submits that one case under Sections 327 and 307 of the IPC in the year 2012 was registered against the applicant and no offence of similar nature has been registered against the applicant.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and further considering the age and detention period of the applicant; the offence is triable by Magistrate; charge sheet has been filed and there is no apprehension of the applicant tampering with the evidence or absconding; and conclusion of the trial may take some time and no offence of similar nature is registered against the applicant as stated by learned counsel for the State, without further commenting on merits, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed.
6. 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:-
7. (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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to this Court.

Sd/-

(Gautam Chourdiya)
Judge

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