

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9254 of 2020

1. Aman Das S/o Bhuwan Das, Aged About 21 Years, Resident Of Village Dokrikhar, Tehsil Katghora, District Korba (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh Through The SHO, P.S. Dipika, District Korba (C.G.).

---- Respondent

For Applicant	: Shri Vijay Kumar Sahu, Advocate.
For Respondent/State	: Shri Amit Singh, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

29/01/2021

- 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 17/11/2020 in connection with Crime No. 213/2020 registered at Police Station Dipika, District Korba (C.G.) for the offence under Section 379 of IPC.
- 2) Allegation against the applicant is that on 16/11/2020 in between 9 PM and 5 AM while the Security Guards of the S.E.C.L., Dipika Mines were on patrolling duty, at around 2 AM they saw the applicant and caught hold of him. From the possession of the applicant 10 jericanes of 35 liters each containing 350 liters diesel were seized by the patrolling party whereas the other person accompanying the applicant escaped from there.
- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant is in jail since 17/11/2020, the applicant has no criminal antecedents, charge sheet has 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. He submits that the applicant has no criminal antecedents.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicant, charge sheet has been filed, the applicant has no criminal antecedents as admitted by both the counsel, and fact that 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. 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.

-Sd/-
(Gautam Chourdiya)
Judge