

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9505 of 2020

1. Brijesh Kumar Pawle S/o Ramjeet Gond, Aged About 31 Years, R/o Kundikala, P.S. Rajpur, District Balrampur-Ramanujganj (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through S.H.O. Police Station Rajpur, District Balrampur-Ramanujganj (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Navin Shukla, Advocate.
For Non-Applicant/State	:	Mr. Hariom Rai, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

04/02/2021

- 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 07/08/2020 in connection with Crime No. 128/2020 registered at Police Station Rajpur, District Balrampur-Ramanujganj (C.G.) for the offence under Sections 380 & 457 of IPC.
- 2) Allegation against the present applicant is that in the night intervening 13/07/2020 and 14/07/2020 he committed house trespass in the house of the complainant Manoj and committed theft of a box containing golden ear rings and other ornaments as well as cash of Rs. 30,000/- and some documents. During investigation, the applicant was arrested and on his memorandum the stolen box and Rs. 1,700/- were seized. On report being lodged to the above effect, the aforesaid 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. The

applicant is in jail since 07/08/2020, 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.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the fact that the applicant is the first offender having no criminal antecedents as admitted by both the counsel, the offence is triable by Judicial Magistrate First Class, the detention period of the applicant, the fact that charge sheet has already been filed, there is no apprehension of the applicant tampering with the evidence or absconding and 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. 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 air 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