

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8971 of 2021**

- Bunt Shah, S/o Late Prakash Shah, aged about 26 Years, R/o Village Bihara, Police Station- Bihara, District- Saharsa, Bihar.

----Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station- Civil Line, District- Bilaspur, Chhattisgarh.

----Non-applicant

For Applicant	Shri Shivendu Pandya, Advocate.
For State	Shri C.B. Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

17/12/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.43/2021 registered at Police Station Civil Line, District Bilaspur, C.G. for the offence punishable under Sections 380, 420, 34 of Indian Penal Code.
2. Allegation against the present applicant is that he along with other co-accused persons committed theft of golden ornaments worth Rs.30,000/- from the house of the complainant namely Smt. Ranjeeta Mishra. On report to the above effect being lodged by the complainant, offence under the aforesaid sections was registered against the applicant and other co-accused.
3. Learned counsel for the applicant submits that applicant is an innocent

person and has been falsely implicated in this case. He submits that applicant has not committed any offence nor is involved in commission of any offence as alleged against him. He is in custody since 17.08.2021, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that applicant has no criminal antecedents.

5. Heard learned counsel for the parties.

6. Considering the facts and circumstances of the case, the nature of allegation against the applicant, the detention period of the applicant, who is 26 years old, charge sheet has been filed, the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicant on bail. Accordingly, the bail application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each out of which one shall be local surety 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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in any offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh