

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9009 of 2021

- Narsing Deshlahare, S/o Late Agrahi J Deshlahare, Aged About 48 Years, R/o Pachpedhi Naka, Dharampura Nagar Police Station Pachpedhi, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- Police Station Paatan, District- Durg, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Yatharth Singh, Advocate

For Non-Applicant/State : Shri Shreshtha Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

17.12.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 25.09.2021 in connection with Crime No. 178/2021 registered at Police Station- Thana Paatan, District- Durg (C.G.) for the offence punishable under Sections 379, 34 of IPC.
- 2) Allegation against the applicant is that he stole 13 numbers of Ply worth Rs. 39,000/- from the site of Dewada Road. On report being lodged to the above effect the aforesaid offence has been registered and during investigation the applicant was arrested, his memorandum statement was recorded and based on his memorandum statement the said stolen article was seized with vehicles.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that charge-sheet has already been filed, stolen article

was already seized from the applicant, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 25.09.2021 and trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the stolen articles were recovered from the applicant, charge-sheet has already been filed, the detention period of the applicant, who is 48 years old, there is no likelihood of the applicant tampering with the prosecution 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, 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 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 similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim