

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9121 of 2021

1. Ajay Ekka S/o Late Nohar Ekka, Aged About 32 Years, R/o Dhimrapur, Ashok Vihar Colony, Police Station Kotara Road, Raigarh, District Raigarh (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Kotara Road, District Raigarh (C.G.).

---- Non-Applicant

For Applicant : Mr. Hari Agrawal, Advocate.

For Non-Applicant/State : Ms. Deepti Shukla, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

14/12/2021

- 1) This is the **Second Bail Application** filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. The First Bail Application i.e. MCRC 6097/2021 was dismissed as withdrawn on 16/09/2021.
- 2) The applicant is arrested on 16/07/2021 in connection with Crime No. 212/2021 registered at Police Station Kotara Road, District Raigarh (C.G.) for the offence under Sections 379/34 & 201 of Indian Penal Code.
- 3) Allegation against the present applicant is that in the intervening night of 9-10/07/2021 he alongwith other co-accused Ajay Jangde committed theft of Tractor bearing No. CG04 JC 7194 worth Rs. 10,30,000/- of the complainant Raju Singh. During investigation the applicant was arrested and in his memorandum he admitted the commission of theft.
- 4) Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question. He submits that charge sheet has been filed and the applicant is in jail since 16/07/2021. He submits that there is no apprehension of the applicant tampering with the evidence or absconding and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail.

- 5) On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has no criminal antecedents.
- 6) Heard learned counsel for the parties.
- 7) Considering the facts and circumstances of the case, the nature of allegation against the present applicant, the detention period of the applicant who is 32 years old, charge sheet has already been filed, the offence is triable by Magistrate, the fact that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time, the application is **allowed**. 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:-
 - 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,
 - 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 Govt./State Govt./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**

Chandrakant