

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3153 OF 2015**

Hemant Nirmalkar S/o Pati Ram Nirmalkar aged about 31 years R/o village Hardibhata Tahsil and Police Station Mainpur, District Gariyaband (C.G.)

---Applicant**Versus**

State of Chhattisgarh, through the Police Station Mainpur, District Gariyaband (C.G.)

---Non-applicant

For Applicant	:	Mr. S.K. Guha, Advocate
For Non-applicant	:	Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****08/07/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 26/15, registered at Police Station Mainpur, District Gariyaband, for the offence punishable under Sections 387, 507 of Indian Penal Code and Section 66(A) of Infor. Tech. Act.

2. Case of the prosecution, in brief, is that applicant is said to have demanded Rs.1,50,000/- from complainant and also threatened him if the amount in question is not given to him and thereby committed offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that charge sheet has been filed and applicant is in jail since 20/03/2015. He would lastly submit that applicant has no criminal antecedent and no custodial interrogation is required, therefore, he may be

released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that one pamphlet relating to naxallite movement has been recovered from the possession of present applicant.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant in offence in question and charge sheet has already been filed, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE