

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 422 of 2016**

- Yugal Kishore Sen, S/o Ruplal Sen, aged about 31 years, R/o. D 17-A, Yadunandan Nagar Tifra, Thana Sirgitti, District Bilaspur (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through: P.S. City Kotwali, Mungeli, District Mungeli (C.G.)

---- Non-applicant

For Applicant: Mr. Sourabh Dangi, Advocate.
For Non-applicant/State: Mr. D.R. Minj, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****03/02/2016**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.585/2015 (wrongly mentioned as 385/2015 in rejection order) registered at Police Station City Kotwali, District Mungeli (C.G.) for the offences punishable under Sections 419, 420, 385, 507, 120-B & 384 of the Indian Penal Code.

(2) Case of the prosecution in brief is that threatening calls were given by cell phone of the petitioner to complainant – Vijay Sen Sharma, Deputy Commissioner, Excise Department demanding ₹ 28,000/- and thereby committed the aforesaid offences.

(3) Learned counsel for the applicant submits that the applicant has lost his cell phone and during investigation it was found that his cell phone was used for giving threatening calls to the complainant by one Bobby Khan and, thus the applicant has no role to play in the offence in question and he is, being a Government Servant working as Nagar Sainik, in custody since 10.12.2015; and no useful purpose would be served in detaining him in jail and, therefore, he may be released on bail.

(4) On the other other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case and looking to the nature and gravity of the offence; further considering the role of the present applicant in the crime in question and the facts that the applicant is in jail since 10.12.2015; charge sheet has already been filed; and no custodial interrogation is required; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

