

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7277 of 2017**

Govind Yadav S/o Late Aghnuram Yadav, Aged About 30 Years R/o
Village Achanakpur, Tahsil Patan, District Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through District Magistrate, Civil And Revenue
District Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri Amiyakant Tiwari, Advocate.
For the Respondent/State : Shri Neeraj Sharma, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.01.2018**

Heard.

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.129 of 2017, registered at Police Station – Amleshwar, District – Durg, Chhattisgarh for the offence punishable under Sections 420, 384, 342, 365 and 120B/ 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 20.9.2017 and has been falsely implicated in this case. As alleged in the FIR against the applicant, the date of incident is 2.12.2015. Thereafter, a written complaint was given to police on 22.12.2015 whereas the FIR has been registered on 18.5.2017 after a long lapse. On reading of the documents in the charge-sheet, it is clear that no case is made out against

the applicant. The applicant is a local resident of District Durg and he is ready to abide by all the conditions that may be imposed on him. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application. It is submitted that the offence committed is of grievous nature, hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The case against the applicant is that on 2.12.2015 at about 12:00 noon the applicant and others abducted complainant – Bhawani Sahu and forced him to sign some blank stamp papers by using force and also by threatening to cause death. After completion of investigation, the charge-sheet has been filed.

6. Considering the submissions and the contents of the case-diary and the fact that the documents which have been allegedly signed by the complainant when he was forced to sign have not been seized in the investigation, I am of this view that the applicant is a local resident shall be available for the trial and no purpose would be served if the applicant is kept in detention for the whole period of trial, this application is allowed.

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 his 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.

sd/-

(Rajendra Chandra Singh Samant)
Judge