

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6009 of 2018

Manik Mehta S/o Late Vishnudatt Mehta, aged about 47 years, R/o. 48/6 Nehru Nagar (P) Bhilai, District- Durg (Chhattisgarh) present R/o. J. 395, Second Floor, J. Block, New Rajendra Nagar, Central Delhi, District- Delhi.

--- Applicant

Versus

State of Chhattisgarh, Through- the Police Station- Supela, District- Durg (C.G.).

---- Respondent

For Applicant	:	Mr. Satish Chandra Verma, Advocate
For Respondent	:	Mr. Anil Pandey, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

14/09/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 697/2018 registered at Police Station- Supela, District- Durg (C.G.) for the offence punishable under Sections 294, 506, 451, 354, 452 and 323 of the IPC
2. As per prosecution story, the prosecutrix is a major married lady residing in the house No. 48/6 at Nehru Nagar West, Bhilai. The said house belongs to one – Ajay Upadhaya. Husband of the prosecutrix works with Ajay Upadhaya. It is alleged that on 01/08/2018 at about 12 noon, the present applicant along with one other person came there and told her that it is his house. Thereafter, the prosecutrix told him that it is the house of Ajay Upadhaya, then the applicant with an intention to outrage her modesty pulled her, abused her and thrust her. The applicant also threatened her to kill. A report in this regard was

made by the prosecutrix. On the basis of the said report, offence was registered and the applicant was arrested on 01/08/2018.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the applicant is the owner of the said house. A litigation was going on between Ajay Upadhaya and the present applicant, and an order has been passed in favour of the applicant by the Debt Recovery Appellate Tribunal. He further submits that after passing of the said order, the applicant had gone to check the house and its condition and at that time, his counsel was also present with him. No such incident was happened and due to dispute of property, the present applicant has been falsely implicated in the present case. He further submits that though earlier some other offence were registered against the present applicant, in most of the cases the proceedings have been stayed by the High Court. The applicant is in custody since 01/08/2018 and the trial will likely to take some time, therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application and submits that 4-5 cases have already been registered against the present applicant, therefore, he may not be released on bail.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the applicant is in custody since 01/08/2018, trial will likely to take some time and further considering that though some cases were registered against the present applicant, in most of the cases the proceeding has been stayed by the High Court, I am inclined

to release the applicant on bail.

7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge

Rahul