

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4211 of 2019

- Neelkamal Gilahare S/o Nand Kishore Gilahare Aged About 32 Years
R/o Village-Badeudla, Police Station & Tahsil Abhanpur, District- Raipur
Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station
Abhanpur, District-Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate.
For Respondent	:	Mr. Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/08/2019

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application MCRC No.3516 of 2019 vide order dated 14.6.2019 was dismissed as withdrawn.
2. This 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.228/2019 registered at Police Station–Abhanpur, District– Raipur(C.G.) for the offence punishable under Sections 394, 427, 294, 323 & 506 of the Indian Penal Code.

3. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 30.04.2019. Infact, the applicant had resisted the running restaurant by the complainant where he used to serve liquor, because of which some dispute has taken place, but the alleged act of robbing the applicant is totally false and baseless. The applicant is an activist and he has been prosecuted similarly earlier because of the activities he has taken up in the public interest. Further, the charge-sheet has been filed in this case, therefore, it is prayed that he may be released on regular bail.
4. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the applicant has a criminal history, therefore, he is not entitled for grant of regular bail.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case, on the date of incident the applicant demanding a sum of Rs.10,000/- from the complainant as a protection money for running hotel in the area and the complainant refused then, his vehicle was damaged and then the applicant and his associates looted sum of Rs.22,000/- from the complainant and his uncle. Hence, this case.
7. After considering on the entire material present in the case diary and also taking into consideration, this fact that all the associates of the applicant have been granted bail by the Court below and the case is now pending for trial before the trial Court, I am of this view that this is a fit case where applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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

Nisha