

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6139 of 2019**

- Bijendra Kumar Tiwari S/o Rishikesh Tiwari Aged About 25 Years, R/o Badouli, Tahsil Rajpur, District Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Rajpur, District Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Jitendra Shrivastava, Adv.
For Respondent/State	:	Mr. B.L. Sahu, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21.11.2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 177/2019 registered at Police Station Rajpur, District-Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 386 of the IPC and 67 of the IT Act.
2. The prosecution story, in brief is that, complainant Ramnarayan Jaiswal lodged a report that between 14/07/2019 to 21/07/2019 he received phone calls and messages on his mobile Nos. 9669126651 & 7987107486, from Mobile No. 8461059412 by demanding Rs. 5.00 lacs. In the mobile the calling person stated that he is Terrorist and also stated that if the demand is not fulfilled he will blast his house and also finish the life of his son. Thereafter, the complainant informed the same to his brother-in-law and other villagers. On the basis of his memorandum this offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He

further submits that there is no direct evidence against the present applicant. The applicant is in jail since 22.07.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the offence is triable by Judicial Magistrate First Class and the present applicant is in jail since 22.07.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed, subject to following conditions:
 - That, the applicant will furnish a specific, undertaking that while on bail, he will not commit any offence, otherwise bail granted to him will be liable to be cancelled and shall co-operate the prosecution during trial.
 - That, the accused/applicant will make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant will not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.
 - That, the accused/applicant will not act, in any manner, which will be prejudicial to fair and expeditious trial.
 - That, he will furnish a personal bond in the sum of Rs. 25,000/- with one local 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.

**Sd/-
(Rajani Dubey)
Judge**

