

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6000 of 2020

- Mahavir Nayak S/o Magdha @ Sewak Ram, aged about 26 years, Caste – Ghashi, R/o Village – Bartoli, Police Station & District- Jashpur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through Officer-in-Charge- Police Station Jashpur, District Jashpur (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Sanjeev Kumar Sahu, Advocate
For Non-Applicant/State	:	Shri Dinish Kumar Tiwari, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

26.11.2020

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 27.07.2020 in connection with Crime No. 233/2019 registered in Police Station – Jashpur, District Jashpur (CG) for the offence punishable under Section 392 of IPC.
2. Case of the prosecution in brief is that on 30.07.2018 at about 11:00 am when complainant- Inder was going by motorcycle bearing registration No. CG-14 MG-9086 towards his home, the applicant asked for lift and when both of them were reached near Bartoli cannal, the applicant pushed the complainant down and fled with the motorcycle.
3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He submits that nothing incriminating has been seized from the possession of the applicant. The applicant is in jail since 27.07.2020, charge-sheet has already been filed and there is every likelihood the trial Court will take some time for conclusion,

therefore, the applicant be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, the detention period of the applicant, he has no criminal antecedents as admitted by both the counsel, the fact that the offence is triable by Magistrate, charge-sheet has already been filed and the trial Court is likely to take some time for its conclusion, the application is allowed.
6. It is directed that in the event of applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-
 - (i) He shall 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 from disclosing such fact to the Court.
 - (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (iv) He shall not involve himself in any offence of similar nature in future.

Sd/-

(Gautam Chourdiya)
Judge