

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7605 of 2020

- Dheeraj Jaiswal, aged about 32 years, son of late Sachchidanand Jaiswal, resident of Mahalpara, Baikunthpur, District Korea (C.G.) (Note name of father of the applicant mentioned in cause title Sachchidanand Jaiswal, but actual late Sachchidanand Jaiswal)

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Pasta, District Balrampur- Ramanujganj (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Jitendra Shrivastava, Advocate
For Non-Applicant/State	:	Ms. Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

18.11.2020

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 03.10.2020 in connection with Crime No. 29/2019 registered in Police Station- Pasta, District Balrampur- Ramanujganj (CG) for the offence punishable under Sections 186, 193, 506, 353, 379 & 511 and read with Section 34 of the Indian Penal Code.
2. As per prosecution, allegation against the present applicant is that on 21.04.2019 at about 08:30 am the Head Constable namely Yogendra Jaiswal (128) conducted the proceedings of confiscation of the pickup vehicle and the wood loaded in the said vehicle. At that time, the present applicant alongwith two other co-accused came to Police Station and exerted pressure on him with respect to the confiscation proceedings, on which, the said Yogendra Jaiswal informed them that he has already completed the proceedings. Thereafter, some hot talk took place between the accused persons and Yogendra Jaiswal and Yogendra Jaiswal went to his room. Thereafter, the accused persons shifted the wood in another vehicle bearing registration No. JH-03-S-4124 which was earlier seized by

the police and was not in running condition. The accused persons made videography of the same and also took the offending vehicle No. UP-64-T-8610 to badminton ground of Police Station premises.

3. Learned counsel for the applicant submits that the applicant has not committed the alleged offences and only on the basis of suspicion, the applicant has been arrested by the police. He further submits that the applicant is an innocent person, he has been falsely implicated in this crime, he is languishing in jail since 03.10.2020 and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and the fact that the applicant is in jail since 03.10.2020 and that conclusion of the trial may take some time, without expressing any opinion on merits of the case, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the concerned trial Court, he shall be released on bail. He is directed to appear before the trial Court on each and every date given to him by the said Court, till disposal of the trial.
6. It is made clear that the applicant shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.
7. Certified copy be issued by tomorrow.

Sd/-
(Gautam Chourdiya)
Judge