

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 35 of 2021

1. Ajay Kumar Dewangan S/o Ramkewal, Aged About 30 Years, R/o Kachhiya, Thana Chalgali, District Balrampur-Ramanujganj (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Chalgali, District Balrampur-Ramanujganj (C.G.).

---- Non-Applicant

For Applicant	:	Mr. A.K. Yadav, Advocate.
For Non-Applicant/State	:	Mr. Ajay Kumrani, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

25/02/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 06/11/2020 in connection with Crime No. 114/2020 registered at Police Station Chalgali, District Balrampur Ramanujganj (C.G.) for the offence under Sections 394, 458 & 323 of IPC.
- 2) Case of the prosecution in brief is that on 04/11/2020 at about 06:30 PM some unknown persons entered the house of the Aniruddha Prasad Gupta and committed Marpeet with his father Laxman Prasad Sao and stole Rs. 2,000/-. During investigation applicant and other persons were arrested on the basis of suspicion and in the test identification parade injured Laxman Prasad Sao identified one of the assailant. On the memorandum of the accused applicant rod, club and the stolen amount were seized. On report being lodged to the above effect, offence has been registered against the applicant.

- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant is in jail since 06/11/2020, charge sheet has already been filed and trial is likely to take some time for its disposal. He also submits that the applicant has no criminal antecedent. Therefore, the present applicant be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. He submits that the applicant has no criminal antecedent.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicant, the charge sheet has already been filed, the offence is triable by Magistrate and the fact that the applicant has no criminal antecedent and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, and the trial is likely to take some time for disposal, without commenting anything 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. 50,000/-** with **two** sureties of Rs. 25,000/- 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Court.

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the Trial Court in the event of applicant involving himself in similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant