

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 230 of 2021

1. Nikhil Mahobiya S/o Rajendra Mahobiya, Aged About 25 Years, R/o Hatri Bazar, Near Bhawani Book Depo, Durg, District Durg (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Jamul, District Durg (C.G.).

---- Non-Applicant

For Applicant	: Mr. Anil S. Pandey, Advocate.
For Non-Applicant/State	: Mr. B.L. Sahu, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

17/02/2021

- 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 28/11/2020 in connection with Crime No. 563/2020 registered at Police Station Jamul, District Durg (C.G.) for the offence under Sections 341 & 394 of IPC.
- 2) Case of the prosecution, in brief is that on 25/11/2020 complainant Pritam Sharma and his friend Nitesh Sahu were going to their home on their motorcycles. However, at around 22:30 hours near Manglik Bhawan, Rungta College, 2 unknown persons came from behind on motorcycle bearing No. CG07 AM 1896, abused them filthily, committed Marpeet with the complainant and looted his Mobile of Vivo Company, Rs. 2,200/- cash, Adhar Card, Pan Card, ATM Card and other documents kept in his purse and ran away from there. 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 further submits that nothing has been seized from the present applicant. He submits that the applicant is in jail since 28/11/2020, 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 age of the applicant, 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, the offence is triable by Judicial Magistrate First Class, 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. 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Court.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant