

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 494 of 2021

- Ashwani Kumar Maitri S/o Shri Rajkumar Maitri Aged About 22 Years Caste Maitri, R/o Village Akola, Police Station Malhar, District Bilaspur (Chhattisgarh) Present Address Darri, Police Station Darri, District Korba (Chhattisgarh). ---- **Applicant**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Darri, District Korba (Chhattisgarh). ---- **Non-Applicant**

For Applicant	:	Shri Nitesh Shrivastava, Advocate
For Non-Applicant/State	:	Shri Ajay Kumrani, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

27.01.2021

1. Heard on admission.
2. The application is admitted for hearing.
3. With the consent of the parties, the matter is heard finally.
4. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 11.12.2020 in connection with Crime No.202/2020, at Police Station-Darri, District-Korba (C.G.) for the offence punishable under Section 294, 506, 509 of I.P.C.
5. Case of the prosecution is that the present applicant and the victim have love affair with each-other, for some reason the victim wants to do break up with the applicant over this matter the applicant abused the victim filthily and sent obscene messages to the the victim on her mobile phone. Thereafter, report was lodged against the applicant.
6. Learned counsel for the applicant submits that the allegations

against the applicant are false and fabricated, he is falsely implicated in the case. He submits that both applicant and the victim have love affair with each other, they are resident of same locality, due to wrong intention the victim did not want to continue the relation with the applicant, incident took place on 02.10.2019 and report was lodged after one year of the incident i.e. on 07.10.2020 and that the applicant/accused has no criminal antecedents and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.

7. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that the applicant has no criminal antecedents.
8. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation and detention period of the applicant and the fact that report was lodged after one year of the incident, charge-sheet has been filed, the applicant has no criminal antecedents as admitted by both the counsel and conclusion of the trial is likely to take some time, therefore, the application is allowed. It is directed that in the event of the 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 following conditions:-

(a) 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.

(b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) 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 Bench.

Sd/-

**(Gautam Chourdiya)
Judge**

Nadim