

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 447 of 2021

- Arun Das Manikpuri, S/o Sumant Das Manikpuri, Aged About 25 Years, R/o Yadunandan Nagar, Tifra, Thana Sirgitti, Tahseel and District- Bilaspur, Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh, Station House Officer, Police Station Sirgitti, District- Bilaspur, Chhattisgarh.

---- Non-Applicant/State

For Applicant	:	Ms. Laxmeen Kashyap, Advocate on behalf of Mrs. Shital Soni, Advocate
For Non-Applicant/State	:	Mr. V.K. Agrawal, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

01.03.2021

1. 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 13.12.2020 in connection with Crime No.619/2020, at Police Station- Sirgitti, District- Bilaspur (C.G.) for the offence punishable under Section 294, 323, 506, 394, 34 of I.P.C.
2. The allegation against the applicant is that complainant Thaneshwar Sahu resident of village Chakarbhata lodged a written report on 12.12.2020 at Sirgitti Police Station, in the said report the complainant stated that on 11.12.2020 at about 10.00 hrs. near Bus Stand Tifra the present applicant dashed the motor cycle of the complainant by his motor cycle, thereafter the applicant stated abusing to the complainant filthily, assaulted the complainants with hands and fists, looted his motorcycle, mobile, bag, tiffin box and gloves. The Sirgitti Police during investigation, arrested the present applicant in connection with the said report

and seized the said articles from him.

3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated, the present applicant has not committed any offence. The counsel for the applicant further submits that at the time of the incident the complainant was in intoxicated condition, the complainant dashed the motorcycle of the present applicant and ran away from the place of incident by dropping his motorcycle alongwith other articles. Learned counsel for the applicant next submits that the present applicant has no criminal antecedents, he is in jail since 13.12.2020, charge-sheet has already been filed, there is no likelihood of the applicant tempering with the prosecution evidence or absconding and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.
4. 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.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, dispute arose between the applicant and the complainant, detention period of the applicant, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tempering with the prosecution evidence or absconding as admitted by both the counsels, charge-sheet has already been filed and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
6. It is directed that in the event of the 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 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.

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

Nadim