

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 454 of 2021

- Sahjour Hussain S/o Ayub Ali Aged About 30 Years R/o Irani Mohalla, Sattipara, Police Station And Tahsil Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station, Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

--Non-Applicant

For Applicant	: Shri Jitendra Shrivastava, Advocate
For Non-Applicant/State	: Shri Dinesh Tiwari, Dy. G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

01/03/2021

1. The applicant has preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 7.10.2020 in connection with Crime No.599/2020, registered at Police Station- Ambikapur, District -Surguja (CG) for the offence punishable under Sections 170, 419, 420 & 392 of the IPC.
2. Case of the prosecution is that the complainant has lodged a report that on 7.10.2020 at about 5.30 pm when he was returning to his house along with his son, on the way near Sundarpur Road, the applicant came on motorcycle and stopped him stating that he is a police personnel and told him to pay fine of Rs.1500/- as they were not wearing helmet and took out Rs.900/- from his pocket. A report was lodged and the applicant he was taken into custody.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question and he has not committed any offence. He submits that the applicant and the complainant known to each other and on account of some money

dispute, the complainant has lodged the report against the applicant. He further submits that there is criminal antecedent against the applicant and the applicant is in jail since 7.10.2020 and conclusion of trial is likely to take some time, therefore, the applicant may be released on bail by this Court.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application. However, he submits that there is no criminal antecedent against the applicant.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and further considering the age and detention period of the applicant; the offence is triable by Magistrate; charge sheet has been filed and there is no criminal antecedent against the applicant; and conclusion of the trial may take some time, without further commenting on merits, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, 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 the following conditions:-
7. (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 this Court.

Sd/

**(Gautam Chourdiya)
Judge**