

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 796 of 2021

- Janak Sahu @ Gabbar S/o Shri Lalaram Sahu Aged About 23 Years
R/o Durgapara, Santoshi Nagar, P.S.- Tikrapara, Raipur, Tehsil And
District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- P.S. Mana Camp, Raipur, District-
Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

--Non-Applicant

For Applicant	: Shri Pushkar Sinha, Advocate
For Non-Applicant/State	: Shri Vaibhav Singh, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

03/02/2021

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 application filed under Section 439 Cr.P.C. for grant of regular bail to the applicant as he is in jail since 5.9.2020 in connection with Crime No. 103/2020, registered at Police Station Mana Camp, District Raipur(CG)for the offence punishable under Sections 341, 354, 323, 34 of the IPC and Sections 25 and 27 of the Arms Act.
5. Case of the prosecution is that when the complainant was going on Aactiva to attend her duty on 3.9.2020, she was stopped by four persons on the point of knife and tried to outrage her modesty, but she anyhow saved her and ran away from the spot. Based on this, offence has been registered and the applicant was taken into custody.
6. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. He submits that report was lodged against unknown

persons and only on memorandum of one co-accused, the applicant and other co-accused were arrested. He submits that the co-accused have been released on bail by the co-ordinate Bench in MCRC No.6956/2020 and the applicant is in jail since 5.9.2020, therefore, the present applicant may also be released on bail.

7. On the other hand, learned counsel for the Non-Applciant/State opposes prayer for grant of bail. However, he accepts that there is no criminal antecedent against the applicant.
8. Having considered the submission made by learned counsel for the parties, the nature of allegations against the applicant; the detention period; there is no criminal antecedent against the applicant as accepted by both the counsel and co-accused has been released on bail by the co-ordinate Bench and conclusion of trial is likely to take some time, without commenting on merits, I am inclined to grant bail to the applicant.
9. Accordingly, the bail application is allowed.
10. 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.

Sd/

(Gautam Chourdiya)
Judge