

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 643 of 2021**

- Akash Mishra @ Akki, S/o Rameshwar Prasad Mishra, aged about 24 Years, R/o Village Anjora (Teothar) Ward No.18, Police Station Sohagi District Rewa, Madhyapradesh, at Present Street No 18, Jalebi Chowk Supela, District Durg, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through SHO Bortalaab, District Rajnandgaon (Chhattisgarh).

----Non-applicant

For Applicant	Shri B.P. Singh, Advocate.
For State	Shri B.L. Sahu, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

08/03/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.39 of 2020 registered at Police Station Bortalaab, District Rajnandgaon, C.G. for the offence punishable under Sections 341, 120-B & 395 of Indian Penal Code.
2. Case of the prosecution is that on 25.08.2020 at 22:00 hours applicant alongwith other co-accused persons looted cash of Rs.5,000/-, one golden chain, one mobile phone and a car of complainant- Nagesh Kumar.
3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. The

applicant is in jail since 06.09.2020, conclusion of trial is likely to take some time and that co-accused- Balram Sahu in this case has already been granted regular bail by the co-ordinate Bench of this Court vide order dated 10.12.2020 passed in MCRC No.7464 of 2020 and other co-accused persons have already been granted regular bail by the trial Court and, therefore, the applicant be released on bail on the ground of parity.

4. On the other hand, learned counsel for the State opposes the bail application and submits that the applicant has two criminal antecedents of the year 2014 & 2020 under Section 392 of Indian Penal Code i.e. bearing Crime No.78/2014 & Section 34(2) of the Excise Act i.e. bearing Crime No.01/2020.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature of allegations against the applicant, further considering the detention period of the applicant, who is 24 years old, charge sheet has already been filed, that the criminal antecedents of the applicant are of the year 2014 & 2020 under Section 392 of Indian Penal Code & Section 34(2) of the Excise Act respectively, the fact that the co-accused- Balram Sahu in this case has already been granted regular bail by the co-ordinate Bench of this Court and other co-accused persons have already been granted regular bail by the trial Court and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without

expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, 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 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