

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 804 of 2021

- Sonu Patel, S/o Shankar Patel, Aged About 31 Years, R/o Urkura, P. S. Khamtarai, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- P. S. Mahasamund, District- Mahasamund, Chhattisgarh.

---- Non-Applicant/State

For Applicant	:	Ms. Palak Jindal, Advocate on behalf of Mr. Kamal Kishore Patel, Advocate
For Non-Applicant/State	:	Dr. (Ms.) Veena Nair, Dy.A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

03.03.2021

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 27.11.2020 in connection with Crime No. 672/2020, at Police Station- Mahasamund, District Mahasamund (C.G.) for the offence punishable under Section 420, 511, 34 of I.P.C.
2. The case of the prosecution, in brief, is that the complainant lodged a report in police Station stating therein that the present applicant and other co-accused persons came on motor-cycle, met him and told him that they have red mercury fuse and remote, thereby they cheated the complainant.
3. Learned counsel for the applicant submits that the allegation against the applicant is false and fabricated. She further submits that only on the basis of suspicion the present applicant was arrested, the co-accused person have already been granted bail by this Court vide order dated 02.02.2021 in MCRC No. 9383 of

2020, the applicant is in jail since 27.11.2020, the present applicant has no criminal antecedents, 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, however, she 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, detention period of the applicant, the fact that the co-accused persons have already been granted bail by this Court, 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 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