

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 807 of 2021

1. Kamlesh Chouhan Son Of Ramdhari Chouhan (Wrongly Mentioned As Ramdhin Chouhan), Aged About 22 Years, Resident Of Kauhakuda, Police Station Pithora, District Mahasamund (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Pithora, District Mahasamund (C.G.).

---- Non-Applicant

For Applicant	:	Ms. Pushpalata Khalkha, Advocate.
For Non-Applicant/State	:	Ms. Seema Dixit, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

03/03/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 18/10/2020 in connection with Crime No. 262/2020 registered at Police Station Pithora, District Mahasamund (C.G.) for the offence under Sections 394, 450 & 506 of IPC.
- 2) Allegation against the present applicant is that on 18/10/2020 at about 01:30 PM he entered the house of the complainant with intention to commit loot and on the point of knife he looted Rs. 2,000/- from the purse of the complainant. On protest being raised by the complainant the applicant assaulted her with knife as a result of which the fingers of her hands got cut.
- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. She submits that the applicant is in jail since 18/10/2020, charge sheet has already been filed and trial is likely to take some time for its disposal. She also submits that the applicant has no criminal

antecedent. Therefore, the present applicant be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. She submits that the applicant has no criminal antecedent.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicant who is 22 years old, charge sheet has already been filed, and the fact that the applicant has no criminal antecedent and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, and the trial is likely to take some time for disposal, without commenting anything on merits of the case, 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 Court.

-Sd/-
(Gautam Chourdiya)
Judge