

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1031 of 2021**

- Abhishek Sen, S/o Kishun Sen, Aged About 20 Years, R/o House No. 364, Khadraha Bhata, Mararpara Serikhedi, Mandir Hahoud, District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through Police Station Mana Camp, District Raipur, Chhattisgarh.

---- Non-applicant

For Applicant	:	Shri Kishore Narayan, Advocate.
For State	:	Shri V. K. Agrawal, P.L.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****23/03/2021**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.130/2020 registered at Police Station Mana Camp, District Raipur, C.G. for the offence punishable under Sections 394, 395 & 34 of the Indian Penal Code, 1860 and Sections 25 & 27 of the Arms Act, 1959.
2. Allegation against the applicant is that on 13.10.2020 at about 20:30 hours complainant was going to his house, on the way accused persons stopped him, threatened him of life by using knife and on the point of revolver, looted one mobile and Rs.3,000/- from his possession and fled from there. On report being lodged to the above effect, the aforesaid offence have been registered against the

applicant.

3. Learned counsel for the applicant submit that the applicant is innocent person and has been falsely implicated in the case. He submits that similarly situated co-accused namely Pankaj Chouhan, Rahul Vishwakarma, Prakash Khatri have already been granted regular bail by this Court vide order dated 05.02.2021 passed in MCRC Nos.9480/2020, 322/2021 & 889/2021 respectively. The applicant has no criminal antecedents, charge sheet has already been filed, he is in custody since 25.10.2020 and conclusion of the trial will take some time. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposes the submissions made on behalf of the above applicant. However, he submits that the applicant has no criminal antecedents.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicant, that one mobile and Rs.3,000/- only are said to have been looted by the applicant with co-accused persons, that the co-accused persons have already been granted bail by this Court, charge sheet has already been filed and the fact that the applicant has no criminal antecedents as admitted by counsel for the parties and conclusion of trial may take some time, the application is allowed. 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/- 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 applicants shall automatically stand cancelled without further reference to this Court.

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