

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1122 of 2021

1. Chaitram Khunte (wrongly typed as Chaitlal Khunte) S/o Pukram Khunte, Aged About 28 Years, R/o Village Beldih Pathar, Police Station Basna, Tahsil Saraipali, District Mahasamund (C.G.)

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Mr Vivek Mishra, Advocate.
For Respondent/State	:	Mr. Hariom Rai, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

22/02/2021

- 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 25/10/2020 in connection with Crime No. 266/2020 registered at Police Station Pithora, District Mahasamund (C.G.) for the offence under Sections 398, 457 read with Section 34 of IPC and under Section 25 of Arms Act.
- 2) Case of the prosecution, in brief is that on 22/10/2202 at around 08:30 PM two persons entered the house of the complainant Nandu Mahanti and one of them demanded money from the complainant on the gun point. Out of fear the complainant threw dinning chair on them and the family members of the complainant also started throwing chair on them on which the accused persons fled from there. The third persons accompanying the aforesaid accused person who had hidden himself in the drain was caught by the complainant who disclosed his name as Manjeet Bagh and the other two persons as Sagar and Hemant Mongri.

- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He further submits that co-accused Vikas Pradhan in MCRC No. 7992/2020, Umesh Bohra in MCRC No. 9091/2020 and Prakash Yadav in MCRC No. 9138/2020 vide order dated 29/01/2021 have already been granted regular bail by the Co-ordinate Bench of this Court. He submits that the applicant is in jail since 25/10/2020, charge sheet has already been filed and trial is likely to take some time for its disposal. He 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. He submits that the applicant has no criminal antecedent.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, that no any particular description/feature of the accused was given in the FIR by the complainant whereas the present applicant was identified in identification parade, except 1 knife (Katta) nothing has been seized from the applicant, the detention period of the applicant, the 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 that similarly situated co-accused have already been released on bail by the Co-ordinate Bench of this Court 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. 50,000/-** with **one** surety 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 applicant 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

Chandrakant