

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1140 of 2021**

- Chaitram Chouhan S/o Pyari Chouhan, Aged About 55 Years R/o Village - Damodarha, Post - Paikin, Police Station And Tahsil - Saraipali, District - Mahasamund Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through - S H O, Police Station - Basna, District - Mahasamund Chhattisgarh.

---- Respondent

For Applicant. : Mr. Vaibhav A. Goverdhan, Advocate.
 For Respondent/State : Mr. Samir Uraon, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17.02.2021**

1. The accused/applicant has moved this **Second Bail Application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 556/2019 registered at Police Station - Basna, District Mahasamund (C.G.) for the offence punishable under Section 370, 34 of the IPC.
2. First bail application of the applicant was dismissed in MCRC No. 2645/2020 vide order dated 13.08.2020.
3. As per the case of prosecution, the allegation against the applicant is that he along with other co-accused person forcefully took the labour to work at brick furnace at Allahabad (U.P.) under inducement of giving more money.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. Referring to Annexure A/3, he next submits that many prosecution witnesses have been examined before the trial Court and they have not supported the prosecution case.

Furthermore, the applicant is in jail since 01.03.2020 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.

5. Per contra, State counsel opposes the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and circumstances of the case, nature of allegation and in particular the fact that the prosecution witnesses No. 1,2 & 3 have not supported the prosecution case, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs. 50,000/- with one local surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

**Sd/-
(Rajani Dubey)
Judge**

Vijay Sahu