

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 186 of 2021

- Dr. Deepak Agrawal, S/o Late Shri Kamla Prasad Agrawal, Aged About 57 Years, R/o Bada Road, Civil Line, Rewa, Police Station Amahiya, District- Rewa Madhya Pradesh. **---- Appellant**

Versus

- State Of Chhattisgarh, Through Police Station Ajak, Baikunthpur, District- Korea Chhattisgarh. **---- Respondent**

For Appellant	: Shri Manoj Paranjape, Advocate
For Respondent/State	: Shri Sameer Oraon, G.A.
For Objector	: Shri Pragalbha Sharma, Advocate

Hon'ble Justice Shri Gautam Chourdiya

Judgment on Board

01.03.2021

1. This appeal by the accused/appellant under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is directed against the order dated 25.01.2021 passed by the Special Judge (SC/ST) Baikunthpur, Korea (C.G.), in Crime No.131/2017 refusing to allow his regular bail under Section 439 of Cr.P.C. for the offence punishable under Section 188, 294, 506, 323, 395, 427, 447, 448, 467, 468, 120 B, 452, 419, 471, 420 of IPC and Section 3 (2) (iv) (v) of the SC/ST Act, registered at Police Station- Ajak, Baikunthpur, District- Korea (C.G.). The appellant is in jail since 24.01.2021.
2. Case of the prosecution, in brief, is that there was some property dispute between complainant and co-accused namely Sanjay Agrawal. In the night intervening 29th and 30th April, 2017 the co-accused person namely Sanjay Agrawal alongwith his associates Chandraprakash Rajvade, Virendra Basor @ Beeran, Mohammad Yusuf (Ali Khan), Amunuddin, Abdul Rahim and Others entered the house of the complainant, demolished his

house by JCB Machine, committed *marpit* with the complainant and his wife, looted windows and doors of the complainant worth Rs. 2 lakh.

The allegations against the present applicant is that he is doctor, running one Nursing Home at Rewa, prepared forged documents showing co-accused Sanjay Agrawal as a patient admitted in his hospital on date and time of the incident, whereas, according to the statements of the witnesses, co-accused Sanjay Agrawal was present at the time of the incident at the spot.

3. Learned counsel for the appellant submits that the allegation against the appellant is false and fabricated, he further submits that the applicant is a reputed doctor and is a reputed Surgeon at Rewa, he is running Nursing Home at Rewa in the name Pasonya Nursing Home, the applicant is 57 years old and is a heart patient, name of the applicant is not mentioned in the F.I.R., the civil litigation is already pending before the competent Civil Court, the present applicant has no criminal antecedents, he is in jail since 24.01.2021 and therefore, he may be enlarged on bail.
4. On the other hand, learned State Counsel opposes prayer for grant of bail. He submits that main allegation against the present appellant is that he is involved in conspiracy by preparing forged documents in favour of co-accused Sanjay Agrawal. However, the appellant has no criminal antecedents.
5. Learned counsel for the objector vehemently opposes the appeal filed by the appellant for grant of bail to him.
6. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, detention period of the appellant who is 57 years old, the fact that the appellant has no criminal antecedents, there is no likelihood of the appellant tempering with the prosecution evidence or absconding as admitted by both the counsels,

conclusion of trial may take some time, without commenting anything on merits of the case, the appeal is allowed.

7. It is directed that in the event of the appellant 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.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of appellant involving himself in similar offence in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim